

**STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION**

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| <b>IN RE: RHODE ISLAND ENERGY PETITION FOR ACCELERATION DUE TO DISTURBED GENERATION PROJECT – WEAVER HILL PROJECTS</b> | Docket No. 23-38-EL |
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**MOTION OF REVITY ENERGY LLC FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

Revy Energy LLC (“Revy”), by and through its undersigned attorney, hereby respectfully requests that the Public Utilities Commission (“PUC”) grant protection from public disclosure certain confidential information submitted by Revy in the above referenced docket. The reasons for the protective treatment are set forth herein. Revy also requests that, pending entry of that finding, the PUC preliminarily grant Revy’s request for confidential treatment pursuant to 810-RICR-00-00-1.3(H)(2).

The record that is the subject of this Motion that requires protective treatment from public disclosure is Revy’s confidential Attachment PUC 1-1-1 through PUC 1-1-53 in response to PUC’s June 4, 2024 First Data Requests to Revy (the “Confidential Attachment”). For the following reasons, Revy requests protective treatment of the Confidential Attachment in accordance with 810-RICR-00-00-1.3(H) and R.I. Gen. Laws § 38-2-2(4)(A)(I)(b).

**I. LEGAL STANDARD**

Rule 1.3(H) provides that access to public records shall be granted in accordance with the Access to Public Records Act (“APRA”), R.I. Gen. Laws § 38-2-1, *et seq.* Per APRA, “all records maintained or kept on file by any public body” are “public records” to which the public has a right of inspection unless a statutory exception applies. *Id.* at § 38-2-3. The definition of “public record” under APRA, however, specifically excludes “trade secrets and commercial or financial

information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” *Id.* at § 38-2-2(4)(B). The statute provides that such records “shall not be deemed public.” *Id.*

The Rhode Island Supreme Court has held that when documents fall within a specific APRA exemption, they “are not considered to be public records,” and “the act does not apply to them.” *Providence Journal Co. v. Kane*, 577 A.2d 661, 663 (R.I. 1990). Furthermore, the court has held that “financial or commercial information” under APRA includes information “whose disclosure would be likely either (1) to impair the Government’s ability to obtain necessary information in the future, or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.” *Providence Journal Co. v. Convention Ctr. Auth.*, 774 A.2d 40, 47 (R.I. 2001) (internal quotation marks omitted). The first prong of the test is satisfied when information is provided voluntarily to the governmental agency, and that information is of a kind that would not customarily be released to the public by the person from whom it was obtained. *Id.* at 47.

## **II. BASIS FOR CONFIDENTIALITY**

The Confidential Attachment constitutes “commercial or financial information” to which the APRA public disclosure requirements do not apply. See R.I. Gen. Laws § 38-2-2(4)(B); *Kane*, 577 A.2d at 663. It contains confidential and proprietary commercial and financial information relating to Revity’s strategic planning discussions with Rhode Island Energy regarding future interconnection projects. This Confidential Attachment includes information that competitors could make use of to Revity’s detriment. Accordingly, Revity respectfully requests that the PUC grant protective treatment to the Confidential Attachment and take the following actions to preserve its confidentiality: (1) maintain the Confidential Attachment as confidential indefinitely;

(2) not place the Confidential Attachment on the public docket; and (3) disclose the Confidential Attachment only to the PUC, its attorneys, and staff as necessary to review this docket.

### **III. CONCLUSION**

For the foregoing reasons, Revity respectfully requests that the PUC grant its Motion for Protective Treatment of Confidential Treatment.

#### **REVITY ENERGY LLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion of Revity Energy LLC for Protective Treatment of Confidential Information was electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission.

Nicholas L. Nybo  
 Nicholas L. Nybo  
 June 7, 2024

**Docket No. 23-38-EL Rhode Island Energy – Petition for Acceleration Due to DG Project – Weaver Hill Projects Service List updated 5/21/2024**

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