

PUBLIC VERSION
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December 12, 2024

Via Hand Delivery and Electronic Mail (stephanie.delarosa@puc.ri.gov)

Stephanie De La Rosa, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: In Re: Issuance of Advisory Opinion to Energy Facility Siting Board regarding
Southcoast Wind LLC Project – Docket No. 24-45-EL – **Public Version**

Dear Stephanie:

Enclosed herewith please find the following:

1. Motion for Protective Treatment of Confidential Information to be excluded from the public record and maintained as confidential; and
2. SouthCoast Wind Energy LLC's Response to the Division of Public Utilities and Carriers' First Set of Data Requests.

Please note that since portions of SouthCoast Wind's responses to the Rhode Island Division of Public Utilities Data Requests contains Confidential Information we have requested protective treatment of the same and request that the Confidential Information be excluded from the public record and maintained as confidential. We have provided one (1) original and six (6) copies (redacted) and one (1) original and two (2) copies (marked as confidential).

Please feel free to contact me if you have any questions.

Sincerely,



Christian F. Capizzo

Stephanie De La Rosa, Commission Clerk
November 13, 2024
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CFC:nah
Enclosures

cc: Docket No. 24-45-EL Service List

Docket No. 24-45-EL – Needs Advisory Opinion to EFSB regarding SouthCoast Wind Energy LLC’s Application for a License to Construct Major Energy Facilities (Portsmouth, RI) Service List – Updated 11/25/2024

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4901-5166-0290.1/030938-0002

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: ISSUANCE OF ADVISORY)	
OPINION TO ENERGY FACILITY SITING)	Docket No. 24-45-EL
BOARD REGARDING SOUTHCOAST)	
WIND LLC PROJECT)	

**MOTION OF SOUTHCOAST WIND ENERGY LLC
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

SouthCoast Wind Energy LLC (“SouthCoast Wind”) hereby requests that the Rhode Island Public Utilities Commission (the “Commission”) grant protection from public disclosure to certain confidential information submitted by SouthCoast Wind in response to the Rhode Island Division of Public Utilities and Carriers (“DPUC”) First Set of Data Requests issued December 5, 2024. Specifically, SouthCoast Wind seeks an order from this Commission to protect the following confidential and competitively sensitive project information:

- (1) Response to DPUC 1-1(a) (project cost information);
- (2) Response to DPUC 1-2, Table 1 (energy delivery matrix); and
- (3) Response to DPUC 1-4(b) (project cost information).

SouthCoast Wind requests a determination that this information is protected from disclosure pursuant to the Rhode Island Access to Public Records Act (“APRA”), R.I. Gen. Laws §§ 38-2-1 *et seq.*

SouthCoast Wind further requests that the Commission preliminarily order confidential treatment of the information specified herein pending a final ruling on this motion. Pursuant to the Commission’s rules of practice, redacted versions of SouthCoast Wind’s responses to DPUC 1-1(a), 1-2 and 1-4(b) containing confidential information are being submitted with SouthCoast Wind’s public filing.

I. LEGAL STANDARD

The Rhode Island APRA establishes a balance between “public access to public records” and protection “from disclosure [of] information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.” R.I. Gen. Laws § 38-2-1. In general, “all records maintained or kept on file by any public body” are “public records,” unless a statutory exception applies. *Id.* § 38-2-2. When documents fall within an exception, they “are not subject to public disclosure.” *Providence Journal Co. v. Convention Center Auth.*, 774 A.2d 40, 47 (R.I. 2001). *See also Providence Journal Co. v. Kane*, 577 A.2d 661, 663 (R.I. 1990) (when documents fall within a specific APRA exemption, they “are not considered to be public records,” and “the act does not apply to them”).

The definition of “public record” under APRA 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.* § 38-2-2(4)(B). The Rhode Island Supreme Court has held that protected commercial or financial information under APRA includes information “whose disclosure would be likely . . . to cause substantial harm to the competitive position of the person from whom the information was obtained.” *Providence Journal Co.*, 774 A.2d at 47.

II. DISCUSSION

A. Confidential Project Information Is Not A Public Record

SouthCoast Wind respectfully requests that protective treatment be granted for the internal confidential, proprietary, and commercially sensitive cost information contained in SouthCoast Wind’s responses to DPUC Data Requests 1-1(a) and 1-4(b). SouthCoast Wind further requests confidential treatment of the proprietary and commercially sensitive expected

energy delivery profile for the project contained in Table 1 of SouthCoast Wind’s response to DPUC Data Request 1-2. This confidential information has been and will continue to be used by SouthCoast Wind in connection with its commercial decision-making and is confidential, commercially sensitive and proprietary. Public disclosure of the project cost and energy delivery profile information (“Information”) would be damaging to SouthCoast Wind’s competitive position, would harm competition in the renewable energy industry and would undermine the State of Rhode Island’s renewable energy policy. The Information for which SouthCoast Wind is requesting protective treatment is squarely within the APRA exemption for “commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” R.I. Gen. Laws § 38-2-2(4)(B).

Offshore wind development and the processes involved in developing large offshore projects are highly competitive. Public disclosure of the Information would provide competitors of SouthCoast Wind with commercially sensitive and proprietary information that is privileged and confidential and public disclosure of the same would disadvantage and substantially harm SouthCoast Wind. Large scale offshore wind developers participate in competitive processes with relatively few other competitors. If the Information were publicly disclosed, SouthCoast Wind’s competitors could use that information to gain an unfair advantage not only in future competitive solicitations but in the overall development of offshore wind projects. Allowing competing developers to access SouthCoast Winds’ Information would harm competition in the renewable energy industry.

SouthCoast Wind treats the Information as privileged, commercially sensitive and highly confidential; does not publicly disclose this Information in the normal course of conducting its business; and takes steps to protect this Information from unauthorized or accidental disclosure.

To the best of SouthCoast Wind’s knowledge, information, and belief, the Information contained in SouthCoast Wind’s response to DPUC Data Requests 1-1(a), 1-4(b) and Table 1 of SouthCoast Wind’s response to DPUC Data Request 1-2 is not otherwise available in the public domain. Accordingly, the Information is exempt from disclosure under APRA because disclosure “would be likely . . . to cause substantial harm to the competitive position” of SouthCoast Wind. *Providence Journal Co. v. Convention Ctr. Auth.*, 774 A.2d 40, 47 (R.I. 2001).

III. CONCLUSION

For all of the foregoing reasons, SouthCoast Wind respectfully requests that the Commission grant its Motion for Protective Treatment and take the following actions to preserve the confidentiality of these documents and information: (1) maintain the unredacted versions of SouthCoast Wind’s responses to DPUC 1-1(a), 1-2 and 1-4(b) as confidential, non-public records; and (2) not place any unredacted versions of SouthCoast Wind’s responses to DPUC 1-1(a), 1-2 and 1-4(b) on the public docket; and (3) disclose the unredacted versions of SouthCoast Wind’s responses to DPUC 1-1(a), 1-2 and 1-4(b) only to the Commission, the Division, its attorneys, and staff as necessary to review SouthCoast Wind’s responses.

WHEREFORE, SouthCoast Wind respectfully requests that the Commission grant its Motion for Protective Treatment.

Respectfully submitted,

SOUTHCOAST WIND ENERGY LLC

By its Attorneys,



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Dated: December 12, 2024

PUBLIC VERSION- REDACTED

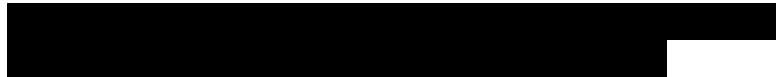
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RIDPUC Data Request

Request 1-1: Page 6 of 20 of the Pre-Filed Direct Testimony states that SouthCoast Wind submitted a design variation that would facilitate the future delivery of up to an additional 1,200 MW of offshore wind energy by “right-sizing” certain facilities, including trenching and conduits for on-shore underground transmission cables.

- a. What is the incremental cost of “right-sizing” these design variation facilities to accommodate the additional 1,200 MW of offshore wind energy?

SCW Confidential Response:



- b. Is the incremental cost of the design variation included in the PPA cost to Rhode Island Energy?

SCW Response: Yes, see response to 1-1(c), below.

- c. If the answer to b. is yes, please explain how the cost of the Facilities represents the lowest reasonable cost if the Facilities include infrastructure not directly required to transmit energy from the 1,287 MW Project.

SCW Response: Over the last several years, communities that will be hosting SouthCoast Wind's onshore facilities have consistently shared with the Company their concerns about impacts from construction. In particular, SouthCoast Wind heard concerns about the fatigue of multiple construction campaigns as the lease area is fully built out in two phases. The “right-sizing” design variation is our response to address these concerns. This is not about benefiting a future project; it is about ensuring there is support for the first 1,287 MW Project by alleviating resident concerns about the construction impacts of a potential second project. SouthCoast Wind acknowledges that this had an incremental cost to the Project, but the benefit is evidenced in, among other things, the executed HCA with the town of Portsmouth, RI. In many ways this extra cost is very much akin to any other compliance costs. SouthCoast Wind considers it a requirement to move the project forward, in this case by ensuring the Project has sufficient community support to enable its construction.

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- d. If the answer to b. is no, how does SouthCoast Wind intend to recover the incremental cost of the design variation?

SCW Response: N/A

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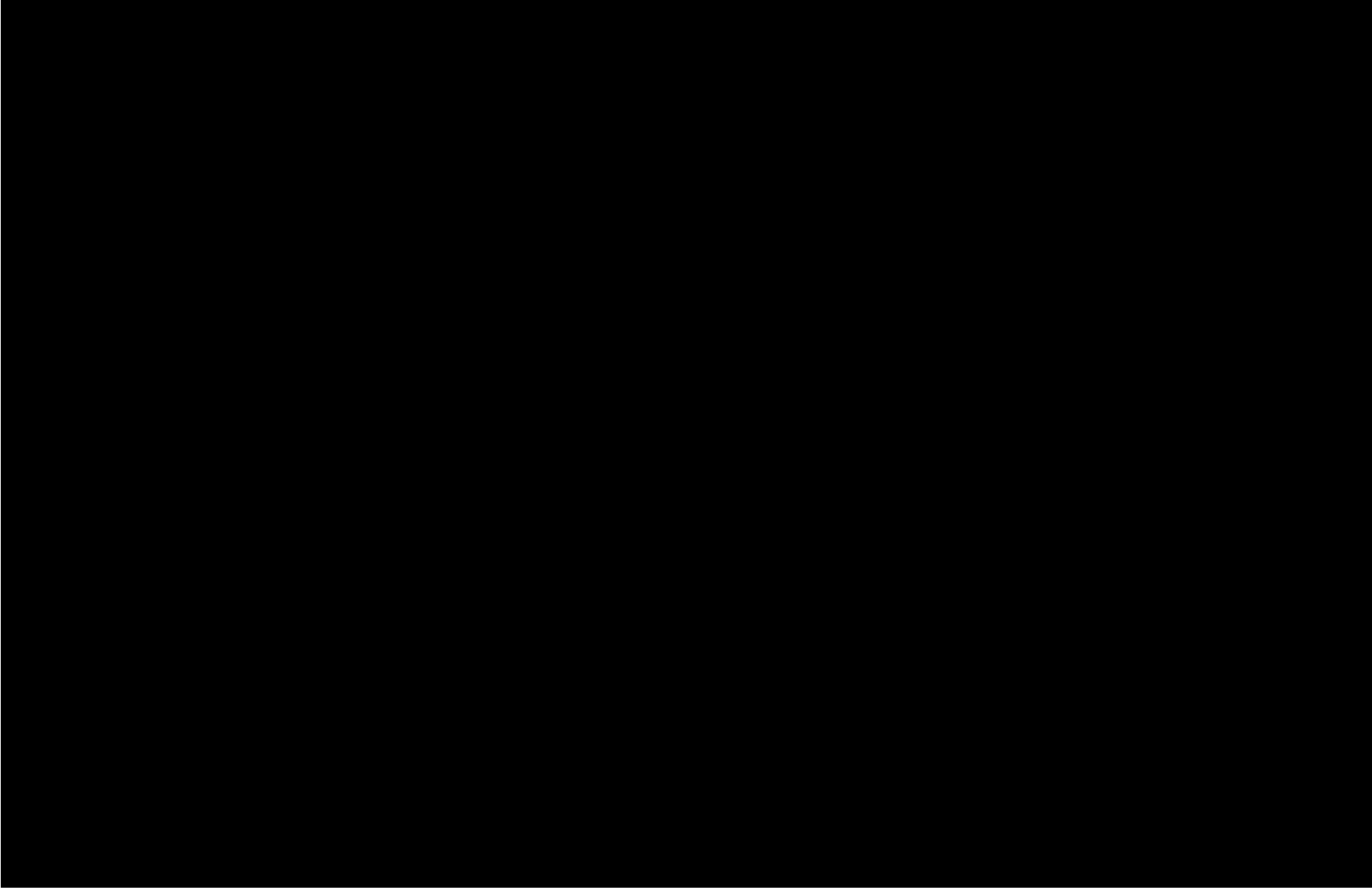
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RIDPUC Data Request

Request 1-2: Page 6 of 20 of the Pre-Filed Direct Testimony states that SouthCoast Wind Page 8 of 20 of the Pre-Filed Direct Testimony states that the SouthCoast Wind project will enhance energy supply and improve the ability of the region to serve load during the peak winter period. Please provide the expected energy delivery profile of the SouthCoast Wind project in the form of a “12 by 24” matrix, that is, the expected (P50) energy delivery in MWh for each month of the year and each hour of the day.

SCW Confidential Response 1-2: See **Confidential** Table 1 attached hereto.

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RIDPUC Data Request

Request 1-3: Section 4.1.1 of the Updated Siting Application submitted on September 11, 2024 to the Rhode Island EFSB by SouthCoast Wind in EFSB Docket No. 2022-02 and referenced in the Pre-Filed Direct Testimony states that the onshore portion of the route in Portsmouth is approximately 2.0 miles, whereas Table 5-2 shows the RI Jurisdictional onshore route length for the preferred route ID 2 as 1.7 miles. Does this represent rounding to the nearest approximate mile or are there notable onshore routing changes between ID2 and the ultimate preferred route?

SCW Response 1-3: There have not been onshore routing changes between ID2 and the ultimate preferred route. The discrepancy is attributable to rounding and to where along the Horizontal Directional Drilling trajectory the route is attributed to offshore vs. onshore.

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RIDPUC Data Request

Request 1-4: Table 5-2 of the Updated Siting Application summarizes the 14 route alternatives evaluated for the Project. Route IDs 6, 7, and 8 avoid onshore routes in RI, and Route ID 14 avoids RI Jurisdiction entirely.

- a. Please confirm that Route IDs 6, 7, 8, and 14 were deemed technically infeasible, consistent with the narratives provided in sections 5.3.4 and 5.3.5 of the Updated Siting Application.

SCW Response: Route 14 was deemed technically infeasible, as described in the narrative of section 5.3.6. Route 6 was deselected primarily due to the technical complexity within the North Sakonnet River, presenting hazards to safe and long-term cable installation and operation. Routes 7 and 8 were deselected due to being significantly longer routes with conflicting marine users and greater technical complexity.

- b. If any of these route alternatives could have potentially overcome all challenges, including but not limited to technical, environmental, and community impact, please confirm that successfully constructing these routes would ultimately be more costly than the preferred route.

SCW Confidential Response: SouthCoast Wind extensively evaluated a multitude of routes and systematically ruled out other options based on infeasibility due to environmental constraints, technical challenges, and impacts to the local communities. The cost to overcome those more complex factors utilizing those alternative routes would increase project costs for the cable installation under state jurisdiction between approximately [REDACTED] (See Confidential Attachment H of SouthCoast Wind's Updated Application filed on September 11, 2024 with the Rhode Island EFSB Docket SB 2022-02).

Prepared by or under the Supervision of: Daniel Hubbard and Keren Schlomy