STATE OF RHODE ISLAND
RHODE ISLAND PUBLIC UTILTITES COMMISSION

In Re: RIE Annual GCR/DAC Filings **Docket No. 25-22-NG**

DIVISION'S MOTION FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION

The Division of Public Utilities and Carriers ("Division") respectfully moves that the Public Utilities Commission ("Commission") provide confidential treatment and grant protection from public disclosure of certain purported confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by Commission Rule 1.2(g) and R.I. Gen. Laws § 38-2-2(4)(B).

Legal Standard

The Commission's Rule 1.2(g) 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*. Under APRA, all documents and materials submitted regarding the transaction of official business by an agency are deemed to be "public record," unless the information contained in such documents and materials falls within one or more of the exceptions specifically identified in R.I. Gen. Laws § 38-2-2(4). Therefore, to the extent that information provided to the Commission falls within one of the designated exceptions to the public records laws, the Commission has the authority under the terms of the APRA to treat such information as confidential and to protect that information from public disclosure.

In that regard, R.I. Gen. Laws § 38-2-2(4)(B) provides that the following types of records shall not be deemed public:

> Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

The Rhode Island Supreme Court has held that this confidential information exemption applies where disclosure of information would likely either: (i) impair the Government's ability to obtain necessary information in the future; or (ii) cause substantial harm to the competitive position of the person from whom the information was obtained. Providence Journal Company v. Convention Center Authority, 774 A. 2d 40 (R.I. 2001).

On October 14, 2025, the Division filed with the Commission the Surrebuttal Testimony of Jerome D. Mierzwa in the above docket. To prepare his testimony, Mr. Mierzwa had to use/rely on information identified by Rhode Island Energy ("RIE" or "Company") as confidential and/or commercially sensitive that is contained in the Rebuttal Testimony of James M. Stephens. To maintain the assertion of confidentiality advanced by the Company and file Mr. Mierzwa's testimony with the Commission it is necessary for the Division to assert the same confidentiality protections that the Company has asserted with respect to that information. The redacted surrebuttal testimony of Mr. Mierzwa has been filed with the Commission and forwarded to the service list along with this motion. An unredacted version has been hand-delivered to the Commission in a sealed envelope.

Conclusion

Wherefore, for the foregoing reasons, the Division respectfully requests the Commission to grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

DIVISION OF PUBLIC UTILITIES
AND CARRIERS
By its attorney,

Leo J. Wold

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CERTIFICATE OF SERVICE

I certify that a copy of the within motion was forwarded to the Service List by e-mail on October 14, 2025.

Leo J. Wold