

October 20, 2020

BY ELECTRONIC MAIL

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Docket 4237 – National Grid 2020 Contact Voltage Annual Report Responses to PUC Data Requests – Set 4

Dear Ms. Massaro:

I have enclosed an electronic version of National Grid's¹ responses to the Public Utilities Commission's Fourth Set of Data Requests containing one request in the above-referenced docket.²

This filing also contains a Request for Protective Treatment of Confidential Information pursuant to Rule 810-RICR-00-00-1.3(H) of the Public Utilities Commission's (PUC) Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B).

National Grid seeks protection from public disclosure of information regarding the Company's mobile survey vendor in its response to data request PUC 4-1.

Accordingly, National Grid has provided the PUC with one complete unredacted copy of the confidential response electronically via the Company's encryption software, Egress Switch. National Grid has included electronic redacted copies of these materials for the public filing.

Thank you for your attention to this matter. If you have any questions, please contact me at 781-907-2121.

Very truly yours,



Raquel J. Webster

Enclosures

cc: Docket 4237 Service List
John Bell, Division
Christy Hetherington, Esq.

¹ The Narragansett Electric Company d/b/a National Grid (National Grid or Company).

² Per Commission counsel's update on October 2, 2020, concerning the COVID-19 emergency period, the Company is submitting an electronic version of this filing. The Company is also providing the Commission Clerk with five copies.

STATE OF RHODE ISLAND
RHODE ISLAND PUBLIC UTILITIES COMMISSION

2020 CONTACT VOLTAGE ANNUAL REPORT

Docket No. 4237

**MOTION OF THE NARRAGANSETT ELECTRIC
COMPANY D/B/A NATIONAL GRID FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid¹ respectfully requests that the Rhode Island Public Utilities Commission (“PUC”) grant protection from public disclosure certain confidential, competitively sensitive, and proprietary information submitted in the Company’s response to PUC’s Data Request 4-1 (“Data Request”), as permitted by 810-RICR-00-00-1.3(H) (Rule 1.3(H)) of the PUC’s Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B). The Company also respectfully requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment of the designated Data Request Responses pursuant to Rule 1.3(H)(2).

I. BACKGROUND

On October 20, 2020, National Grid filed its response to PUC Data Request 4-1 in this matter. The Company’s response to Data Request 4-1 includes information regarding the confidential pricing terms for the Company’s nightly mobile surveying and testing. As described below, the pricing terms of the Company’s mobile survey testing contract with Osmose are confidential. Accordingly, the Company requests that, pursuant to Rule 1.3(H), the

¹ The Narragansett Electric Company d/b/a National Grid (National Grid or the Company).

PUC afford confidential treatment to the confidential pricing information included in the Company's response to Data Request 4-1.

II. 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.* Under the APRA, all documents and materials submitted in connection with the transaction of official business by an agency are deemed to be "public record[s]," unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I. Gen. Laws § 38-2-2(4). To the extent that information provided to the PUC falls within one of the designated exceptions to the public records law, the PUC has the authority under the terms of APRA to deem 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 the disclosure of information 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*, 774 A.2d 40 (R.I. 2001).

The first prong of the test is satisfied when information is provided to the governmental agency and that information is of a kind that would customarily not be released to the public by the person from whom it was obtained. *Providence Journal*, 774 A.2d at 47.

III. BASIS FOR CONFIDENTIALITY

The mobile survey testing contract is confidential by its terms and includes as an attachment a non-disclosure agreement (“NDA”) between the Company and Osmose. The contract also includes commercial terms and related material that must be maintained as confidential to avoid inflicting competitive harm on the Company and Osmose. This includes the pricing information included in the Company’s response to Data Request PUC 4-1. Public disclosure of such information could impair the Company’s ability to obtain advantageous pricing or other terms in the future, and might deter contract counterparties from doing business with National Grid, thereby causing substantial competitive harm. Public disclosure of the information could also put the Company at risk of violating the NDA between the Company and Osmose. Accordingly, the Company respectfully requests that the PUC provide confidential treatment to its responses to Data Requests PUC 4-1.

IV. CONCLUSION

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

[SIGNATURE ON NEXT PAGE]

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

By its attorney,



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National Grid
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Waltham, MA 02451
Tel. 781-907-2121
Raquel.webster@nationalgrid.com

Dated: October 20, 2020

Redacted
PUC 4-1

Request:

Please explain the last paragraph on page 244 of the Attachment to PUC 3-4. .

Response:

Regarding page 244 of Attachment PUC 3-4, the Company prearranged to have the municipal-hired contractor and National Grid on standby for the duration of the testing to mitigate any voltage testing findings.

Osrose will perform nightly survey and testing. In the event that an elevated voltage finding is discovered, Osrose will contact either the municipal-hired contractor or National Grid, depending on asset ownership, to mitigate the elevated contact voltage. Osrose will standby and/or safeguard the site until the arrival of the municipal-hired contractor or National Grid. Thirty minutes after Osrose dispatchers notify National Grid of the event, a crew standby rate of [REDACTED]/hour will go into effect. The first hour will be billed at the hourly rate of [REDACTED]. Subsequent standby time beyond the first hour will be billed in fifteen-minute increments or, [REDACTED] per fifteen minutes. If Osrose is required to standby after 11am, there will be an additional flat fee of [REDACTED] in addition to the ongoing hourly rate and, the next survey shift will be cancelled. The additional flat fee of [REDACTED] covers costs associated with cancelling a shift and adding an extra night of elevated voltage testing.

Due to the prearrangement of having National Grid in-house crews and municipal-hired contractors on standby, we anticipate very limited, if any, standby charges.

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.



Joanne M. Scanlon

October 20, 2020
Date

**Docket No. 4237 – Commission’s Proceeding Relating to Stray
and Contact Voltage Pursuant to Enacted Legislation
Service List updated 8/12/2020**

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