

November 17, 2015

**VIA HAND DELIVERY & ELECTRONIC MAIL**

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

**RE: Docket 4371 - Long-Term Contracting for Renewable Energy Recovery Factor Response to Commission Post-Hearing Data Requests – Set 9**

Dear Ms. Massaro:

Enclosed is National Grid's<sup>1</sup> response to the Rhode Island Public Utilities Commission's (PUC) Ninth Set of Post-Hearing Data Requests, containing one question within the set, concerning the above-referenced proceeding.

Please be advised that the Company is seeking protective treatment of its response to post-hearing data request PUC 9-1, as permitted by PUC Rule 1.2(g) and by R.I.G.L. § 38-2-2(4)(i)(B). This filing also contains a Motion for Protective Treatment in accordance with PUC Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(B).

In compliance with PUC Rule 1.2(g), the Company is providing one (1) complete un-redacted copy of the confidential version of post-hearing data request PUC 9-1 in a sealed envelope marked **“Contains Privileged and Confidential Materials – Do Not Release.”**

Thank you for your attention to this filing. Please contact me if you have any questions concerning this matter at 401-784-7288.

Very truly yours,



Jennifer Brooks Hutchinson, Esq.

Enclosures

cc: Docket 4371 Service List  
Steve Scialabba, Division  
Leo Wold, Esq.

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<sup>1</sup> The Narragansett Electric Company d/b/a National Grid.

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.

Paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



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Joanne M. Scanlon

November 17, 2015

Date

**Docket No. 4371 - National Grid – Tariff Advice Filing to Amend Long-Term Contracting for Renewable Energy Recovery Factor effective 01/01/13**

**Service List updated 10/30/14**

<b>Name/Address</b>	<b>E-mail Distribution</b>	<b>Phone</b>
Jennifer Brooks Hutchinson, Esq. National Grid 280 Melrose St. Providence, RI 02907	<a href="mailto:Jennifer.hutchinson@nationalgrid.com">Jennifer.hutchinson@nationalgrid.com</a> ;	401-784-7288
	<a href="mailto:Celia.obrien@nationalgrid.com">Celia.obrien@nationalgrid.com</a> ;	
	<a href="mailto:Joanne.scanlon@nationalgrid.com">Joanne.scanlon@nationalgrid.com</a> ;	
Jon Hagopian, Esq. Division of Public Utilities & Carriers 89 Jefferson Blvd. Warwick, RI 02888	<a href="mailto:jon.hagopian@dpuc.ri.gov">jon.hagopian@dpuc.ri.gov</a> ;	401-222-2424
	<a href="mailto:steve.scialabba@dpuc.ri.gov">steve.scialabba@dpuc.ri.gov</a> ;	
Karen Lyons, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	<a href="mailto:klyons@riag.ri.gov">klyons@riag.ri.gov</a> ;	
	<a href="mailto:Lwold@riag.ri.gov">Lwold@riag.ri.gov</a> ;	
	<a href="mailto:dmacrae@riag.ri.gov">dmacrae@riag.ri.gov</a> ;	
	<a href="mailto:jmunoz@riag.ri.gov">jmunoz@riag.ri.gov</a> ;	
Richard Hahn LaCapra Associates One Washington Mall, 9 <sup>th</sup> floor Boston, MA 02108	<a href="mailto:rhahn@lacapra.com">rhahn@lacapra.com</a> ;	
<b>File an original &amp; 10 copies w/:</b> Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	<a href="mailto:Luly.massaro@puc.ri.gov">Luly.massaro@puc.ri.gov</a> ;	401-780-2017
	<a href="mailto:Cynthia.WilsonFrias@puc.ri.gov">Cynthia.WilsonFrias@puc.ri.gov</a> ;	
	<a href="mailto:Alan.nault@puc.ri.gov">Alan.nault@puc.ri.gov</a> ;	
	<a href="mailto:Todd.Bianco@puc.ri.gov">Todd.Bianco@puc.ri.gov</a> ;	
	<a href="mailto:Amy.Dalessandro@puc.ri.gov">Amy.Dalessandro@puc.ri.gov</a> ;	
Christopher Kearns, Program Service Officer RI Office of Energy Resources	<a href="mailto:Christopher.Kearns@energy.ri.gov">Christopher.Kearns@energy.ri.gov</a> ;	
	<a href="mailto:Nicholas.Ucci@energy.ri.gov">Nicholas.Ucci@energy.ri.gov</a> ;	
	<a href="mailto:Danny.Musher@energy.ri.gov">Danny.Musher@energy.ri.gov</a> ;	
Laurence Ehrhardt	<a href="mailto:replarry@gmail.com">replarry@gmail.com</a>	

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**RHODE ISLAND PUBLIC UTILITIES COMMISSION**

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**National Grid**  
**Long-Term Contracting for Renewable Energy**  
**Recovery Factor**

**Docket No. 4371**

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**NATIONAL GRID'S REQUEST  
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid<sup>1</sup> hereby requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment and grant protection from public disclosure of certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by PUC Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(B). National Grid also hereby requests that, pending entry of that finding, the PUC preliminarily grant National Grid's request for confidential treatment pursuant to Rule 1.2 (g)(2).

**I. BACKGROUND**

On November 17, 2015, National Grid filed with the PUC its response to the PUC's Ninth Set of Post-Hearing Data Requests issued in the above-referenced docket. Post-Hearing Data Request 9-1 requests the cost to procure an updated long-term market forecast for energy, capacity, and RECs from Energy Security Analysis, Inc. (ESAI). In response to Post-Hearing Data Request 9-1, the Company is providing redacted and un-redacted versions of this response. Forecast pricing is considered proprietary. Therefore,

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

National Grid requests that the PUC give the information contained in the un-redacted version of its response to Post-Hearing Data Request 9-1 confidential treatment.

## **II. LEGAL STANDARD**

The PUC'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.G.L. §38-2-1 *et seq.* Under APRA, all documents and materials submitted in connection with the transaction of official business by an agency is deemed to be a "public record," unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I.G.L. §38-2-2(4). Therefore, 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 to be confidential and to protect that information from public disclosure.

In that regard, R.I.G.L. §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 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 Company v. Convention Center Authority, 774 A.2d 40 (R.I. 2001).

The first prong of the test is satisfied when information is voluntarily 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.

## **II. BASIS FOR CONFIDENTIALITY**

The pricing information contained in the un-redacted version of the Company's response to Post-Hearing Data Request 9-1 is confidential and proprietary to ESAI, and was provided to National Grid on a confidential basis. National Grid is providing the un-redacted versions of its response to Post-Hearing Data Request 9-1 on a voluntary basis to the PUC. Disclosure of this information could adversely affect ESAI's competitive position and would tend to make it less likely that such information would be provided in the future. Moreover, such disclosure would impede National Grid's future ability to obtain this type of proprietary information from third-party consultants, or would increase the cost at which that information could be obtained.

## **III. CONCLUSION**

Accordingly, the Company requests that the PUC grant protective treatment to the un-redacted version of the Company's response to Post-Hearing Data Request 9-1.

**WHEREFORE**, the Company respectfully requests that the PUC grant its Motion for Protective Treatment as stated herein.

Respectfully submitted,

**NATIONAL GRID**

By its attorney,



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Jennifer Brooks Hutchinson (RI Bar #6176)  
National Grid  
280 Melrose Street  
Providence, RI 02907  
(401) 784-7288

Dated: November 17, 2015

The Narragansett Electric Company  
d/b/a National Grid  
Docket No. 4371  
In Re: Long-Term Contracting for  
Renewable Energy Recovery Factor  
Responses to Commission's Post-Hearing Data Requests – Set 9  
Issued November 5, 2015

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**Redacted**  
PUC 9-1

Request:

Please provide the cost of procuring the most recent ESAI forecast.

Response:

The cost of procuring an updated long-term market forecast for energy, capacity, and RECs from ESAI is [REDACTED].