

December 9, 2014

BY HAND DELIVERY & ELECTRONIC MAIL

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

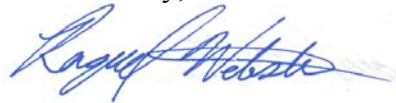
**RE: Docket 4483 – In Re: Petition of Wind Energy Development, LLC and
ACP Land, LLC Relating to Interconnection
Responses to PUC Data Requests – Set 4**

Dear Ms. Massaro:

On behalf of National Grid¹, I have enclosed the Company's response to the Rhode Island Public Utilities Commission's data request 4-1 in the above-referenced matter. I have also enclosed a Motion for Protective Treatment in accordance with Rule 1.2(g) of the PUC's Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(i)(E). Therefore, pursuant to the PUC's Rules, I have enclosed one (1) copy of the unredacted confidential Attachment COMM 4-1 and ten (10) copies of the Company's responses for the PUC's review.

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

Sincerely,



Raquel J. Webster

Enclosures

cc: Docket 4483 Service List
Leo Wold, Esq.
Steve Scialabba, Division

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

Certificate of Service

I hereby certify that a copy of the cover letter and/or any materials accompanying this certificate was electronically transmitted to the individuals listed below. Copies of this filing will be hand delivered to the RI Public Utilities Commission and to the RI Division of Public Utilities and Carriers.



December 9, 2014

**Docket No. 4483 – Wind Energy Development LLC & ACP Land, LLC –
Petition for Dispute Resolution Relating to Interconnection
Service List updated 7/29/14**

Name/Address	E-mail Distribution List	Phone
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	jmunoz@riag.ri.gov	
	dmacrae@riag.ri.gov	

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

**In Re: DG Interconnection Dispute Between
WED, LLC/ACP, LLC and National Grid**

Docket No. 4483

**NATIONAL GRID’S MOTION FOR PROTECTIVE TREATMENT
OF CONFIDENTIAL INFORMATION**

National Grid¹ respectfully requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment and grant protection from public disclosure certain confidential settlement communications submitted in the above-captioned docket, as permitted by PUC Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(E). National Grid also respectfully 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 December 9, 2014, National Grid filed with the PUC its response to the PUC’s data request numbered 4-1. In PUC data request 4-1, the PUC requests written confirmation from the Company that it conveyed to WED its intention to apply the NK Green Final Accounting audit amounts to amounts that WED owes the Company. In response to this data request, the Company has attached confidential attachment 4-1 to COMM 4-1, which reflects confidential settlement communications between the Company and WED.

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

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. 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 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. Gen. Laws §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 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)(E) provides that "[a]ny records which would not be available by law or rule of court to an opposing party in litigation" shall not be deemed public. It is well-settled under Rhode Island law that offers to compromise and evidence of settlement negotiations generally are not admissible into evidence. Votolato v. Merandi, 747 A.2d 455, 461 (R.I. 2000) (citing Vingi v. Trillo, 77 R.I. 55, 59 (1950); Salter v. Rhode Island Co., 27 R.I. 27, 30 (1905)). The July 25, 2014 correspondence attached as Attachment COMM 4-1 reflects settlement negotiations between the Company and WED, and, therefore, falls under the public records exception in R.I. Gen. Laws § 38-2-2(4)(E).

III. BASIS FOR CONFIDENTIALITY

As previously noted, the Company seeks confidential treatment of the letter attached as Attachment COMM 4-1. Release of this type of information would be harmful to the Company and WED as they continue negotiating the terms of the agreement that govern the issues that are

the subject of their confidential settlement communications. Moreover, this information is confidential and privileged information of the type that the Company would ordinarily not make public.

IV. CONCLUSION

Accordingly, the Company respectfully requests that the PUC grant protective treatment to the confidential information included in Attachment COMM 4-1.

WHEREFORE, for the foregoing reasons, the Company respectfully requests that the PUC grant its Motion for Protective Treatment.

Respectfully submitted,

NATIONAL GRID

By its attorney,



Raquel J. Webster
National Grid
40 Sylvan Road
Waltham, MA 02451
(781) 907-2121

Dated: December 9, 2014

The Narragansett Electric Company
d/b/a National Grid
R.I.P.U.C. Docket No. 4483
In Re: Distributed Generation Interconnection Dispute between
Wind Energy Development, LLC, ACP Land, LLC and
The Narragansett Electric Company
Responses to Commission's Fourth Set of Data Requests
Issued on December 4, 2014

COMM 4-1

Request:

Referring to Comm 3-17, identify the separate agreement and matter referred to in Comm 3-17, the amount that WED owes the Company and the anticipated date that refund of \$47,855 will be applied to the amount owed by WED. Also, please provide written confirmation that the Company has conveyed to WED its intention to apply the aforesaid refund to amounts owed by WED.

Response:

In COMM 3-17, the Company was referring to Wind Energy Development NK Green's agreement, through its counsel, Attorney Seth Handy, to allow the Company to apply the \$47,855.18 (NK Green Final Accounting amount) to an arrears balance that includes, among other things, amounts associated with WED's electric account. That arrears totals \$163,831.36. The total past due balance exceeds the NK Green Final Accounting amount. The Company and WED have not yet finalized this agreement in writing. However, the Company is attaching as Confidential Attachment COMM 4-1, a confidential settlement letter dated July 25, 2014 from the Company to Attorney Handy documenting its intention to apply the refund to amounts owed by WED. (*See pages 2-3*). Given that Confidential Attachment COMM 4-1 reflects settlement communications, the Company informed Mr. Handy that it would attach the July 25 letter to this response. Attorney Handy did not object to the Company including Confidential Attachment COMM 4-1 to this response.

July 25, 2014

BY ELECTRONIC MAIL

Seth Handy, Esq.
Handy Law, LLC
42 Weybosset Street
Providence, RI 02903

**RE: Wind Energy Development, LLC
Settlement Purposes Only**

Dear Seth:

[REDACTED]

Interconnection Application Process for WED's Planned Coventry Turbines

[REDACTED]

[REDACTED]

REDACTED

Seth Handy, Esq.
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Estimated Interconnection Cost Provided in Impact Study for Coventry 1 and 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

REDACTED

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Test Energy WED NK Green Produced

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,



Raquel J. Webster