

May 21, 2015

BY HAND DELIVERY AND ELECTRONIC MAIL

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

**RE: Docket 4539 - National Grid's FY 2016 Electric Infrastructure, Safety,
and Reliability Plan
First Confidential Bi-Monthly Report to the Rhode Island Division of Public Utilities
and Carriers**

Dear Ms. Massaro:

On behalf of National Grid,¹ I have enclosed one redacted copy and one confidential copy of National Grid's First Confidential Bi-Monthly Report to the Rhode Island Division of Public Utilities and Carriers (Division) (Bi-Monthly Report) in the above-referenced docket, which National Grid filed with the Division on May 20, 2015. In a letter dated March 10, 2015 in the above-referenced docket, National Grid agreed to provide the Division with these written bi-monthly reports.

Pursuant to R.I. Gen. Laws § 38-2-2(4)(B) and Rhode Island Public Utilities Commission Rule 1.2(g), the Company respectfully requests that the information contained in the enclosed Bi-Monthly Report be kept confidential. I have enclosed a motion for confidential treatment in accordance with PUC Rule 1.2(g). National Grid also respectfully requests that the PUC's order concerning the confidentiality of the enclosed Bi-Monthly Report apply to all future confidential bi-monthly reports that the Company submits to the PUC regarding the subject of the enclosed Bi-Monthly Report.

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

Very truly yours,



Raquel J. Webster

cc: Docket 4539 Service List
Steve Scialabba, Division
Leo Wold, Esq., Division

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

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

FY 2016 Electric ISR Plan

Docket No. 4539

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

Pursuant to R.I. Gen. Laws § 38-2-2(4)(B) and Rule 1.2(g) of the Rhode Island Public Utilities Commission's (PUC) Rules of Practice and Procedure, National Grid¹ respectfully requests that the PUC provide confidential treatment and grant protection from public disclosure National Grid's confidential First Bi-monthly Report to the Rhode Island Division of Public Utilities and Carriers (Division) Concerning National Grid's Activities With Verizon (Bi-Monthly Report), which National Grid filed with the PUC on May 21, 2015.² 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).

I. BACKGROUND

On May 21, 2015, National Grid filed the Bi-Monthly Report with the PUC. The Bi-Monthly Report includes details regarding National Grid's confidential negotiations with Verizon New England (Verizon) concerning vegetation management costs and National

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

² National Grid submitted the Bi-Monthly Report to Division on May 20, 2015.

Grid's future strategies for these confidential negotiations. Given the confidential and sensitive nature of National Grid's negotiations with Verizon, National Grid respectfully requests that the PUC afford confidential treatment to the Bi-Monthly Report enclosed as Attachment A.

II. LEGAL STANDARD

Rule 1.2(g) of the PUC's Rules of Practice and Procedure 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 considered 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)(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 (1) impair the Government's ability to obtain necessary information in the future; or (2) 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 provided voluntarily 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 Bi-Monthly Report enclosed as Attachment A is highly confidential, and disclosure of this information would have serious adverse effects on National Grid's ability to continue negotiations with Verizon in efforts to resolve outstanding issues relating to vegetation management costs. As such, the Agreement satisfies the test for exceptions to the APRA and, therefore, warrants protection from public disclosure.

IV. CONCLUSION

Accordingly, the Company respectfully requests that the PUC grant protective treatment to the Bi-Monthly Report enclosed as Attachment A.

WHEREFORE, the Company respectfully requests that the PUC grant its Motion for Protective Treatment of the May 20, 2015 Bi-Monthly Report.

Respectfully submitted,

NATIONAL GRID

By its attorneys,

A handwritten signature in blue ink, appearing to read "Raquel Webster", is positioned above the typed name and contact information.

Raquel J. Webster, RI Bar # 9064
National Grid
40 Sylvan Road
Waltham, MA 02451
(781)-907-2121

Dated: May 21, 2015

**National Grid's First Bi-Monthly Report to the
Rhode Island Division of Public Utilities and Carriers Regarding**

[REDACTED]

Background

- The contractual relationship between National Grid¹ and Verizon with respect to joint ownership of the poles and storm costs is governed by a Joint Ownership Agreement dated January 1, 1980 and Intercompany Operating Procedures New England Electric and New England Telephone Company dated August 1, 1993. Section J of the Intercompany Operating Procedures (IOP J) covered vegetation management work between the companies.
- IOP J required prior agreement and an Exchange of Notice between the parties to trigger cost sharing responsibilities for preventive vegetation management.
- IOP J also allowed Verizon the opportunity to review the preventative maintenance vegetation management plan and determine whether to participate in preventative maintenance vegetation management work.

[REDACTED]

[REDACTED]

[REDACTED]

¹ In this document, "National Grid" refers collectively to The Narragansett Electric Company and its affiliate, Massachusetts Electric Company, each doing business as National Grid.

REDACTED

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4539
National Grid's Bi-Monthly Report (Confidential)
To the Rhode Island Division

May 20, 2015
Page 2 of 5

REDACTED

REDACTED

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4539
National Grid's Bi-Monthly Report (Confidential)
To the Rhode Island Division

May 20, 2015
Page 3 of 5

REDACTED

[REDACTED]

REDACTED

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4539
National Grid's Bi-Monthly Report (Confidential)
To the Rhode Island Division

May 20, 2015
Page 4 of 5

REDACTED

REDACTED

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4539
National Grid's Bi-Monthly Report (Confidential)
To the Rhode Island Division

May 20, 2015
Page 5 of 5

REDACTED