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November 22, 2017

BY HAND DELIVERY

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

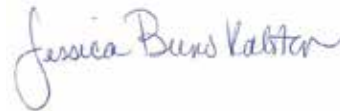
Re: Docket 4764 – In Re: Review of PPAs Under R.I.G.L. §39-26-1
Responses to Division Data Requests – Set 1

Dear Ms. Massaro:

On behalf of National Grid,¹ please find National Grid's response to the Division of Public Utilities' First Set of Data Requests.

Thank you for your attention to matter. If you have any questions, please contact me at (617) 951-1400, or Jennifer Brooks Hutchinson at 401-784-7685.

Very truly yours,



Jessica Buno Ralston

Enclosures

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

**Docket No. 4764 - National Grid's – Review of PPAs Under R.I.G.L. §39-26-1
Service List as of 11/8/17**

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

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Petition of Narragansett Electric Company)	
d/b/a National Grid for Approval of)	
Proposed Long-Term Contracts for)	Docket No. 4764
Renewable Resources Pursuant to)	
R.I. Gen. Laws § 39-26.1)	
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**NATIONAL GRID’S PETITION
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid¹ 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 requests that, pending entry of findings pursuant to these provisions, the PUC preliminarily grant National Grid’s request for confidential treatment pursuant to Rule 1.2 (g)(2).

I. BACKGROUND

On November 1, 2017, National Grid is filing with the PUC its request for approval eight 20-year Power Purchase Agreements entered into by National Grid for the purchase of energy and environmental attributes from eligible renewable energy generation facilities (the PPAs), pursuant to the New England Clean Energy Request for Proposals (RFP) issued on November 12, 2015. In support of its request for approval, National Grid submitted initial testimony and supporting exhibits including the Company’s analysis of all proposals submitted in response to the RFP, including proprietary modeling information and analysis provided by the Company’s third-party consultants. In response to the Division of Public Utilities’ First Set of

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

Data Requests, the Company is filing a supplemental work paper to provide the net direct benefits (WP Support Tab E-1) together with supporting calculations (Attachment DIV-1-1) (together, the Confidential Information). The Company is requesting protective treatment of these supplemental documents.

The Company's affiliates Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, together with the other Massachusetts soliciting parties, NSTAR Electric Company and Western Massachusetts Electric Company each d/b/a Eversource Energy, and Fitchburg Gas and Electric Light Company, d/b/a Unitil, have each filed a similar request for protective treatment of the Confidential Information with their respective petitions for approval of the PPAs with the Massachusetts Department of Public Utilities. The Connecticut Light & Power Company and The United Illuminating Company have similarly requested, and been granted, protective treatment of the PPAs and proprietary bid evaluation materials.

In this proceeding, the Company seeks protective treatment of the same information to ensure consistency across the jurisdictions of each soliciting state, and to ensure continued protection of the Confidential Information. As the PUC is aware, designation of information as confidential requires, in part, that such information not be available elsewhere in the public record. In the event that any one of the three jurisdictions reviewing the PPAs and related bid evaluation materials denies protective treatment, the information can no longer be protected in any other proceeding. To prevent the release of confidential information that has been granted protective treatment in Connecticut, and has to date been restricted in Massachusetts, the PUC should grant similar protective treatment here.

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 exception "protects persons who submit financial or commercial data to government agencies from the competitive disadvantages which would result from its publication." *Critical Mass Energy Project v. Nuclear Regulatory Commission*, 975 F.2d 871, 873 (D. D.C. Cir. 1992); see also *Providence Journal Company v. Convention Center Authority*, 774 A.2d 40 (R.I. 2001) (adopting *Critical Mass*). The Rhode Island Supreme Court has held that this confidential information exemption applies where disclosure of information would be likely to 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*, 774 A.2d at 47 (emphasis added).

The second prong of the Providence Journal test has been interpreted to not require “a sophisticated economic analysis of the likely effects of disclosure.” New Hampshire Right to Life v. US Dep’t of Health and Human Services, 778 F. 3d 43, 50 (1st. Cir. 2015 (quoting Pub. Citizen Health Research Grp., 704 F. 2d 1280, 1291 (1983))). The party opposing disclosure must establish “actual competition and a likelihood of substantial competitive injury” to bring the information under the confidential exemption. Id. In determining whether information is confidential the court should not limit its assessment of bidding information in a singular ad-hoc manner, but rather should acknowledge the likelihood of additional bids in the future. Id. at 51. As discussed further below, the Confidential Information here should be protected because it is commercial or financial information that, if disclosed, would be likely to cause substantial harm to the competitive position of the persons from whom the information was obtained.

III. BASIS FOR CONFIDENTIALITY

The information contained in the un-redacted versions of the Confidential Information contains confidential and proprietary bidder information, including pricing information and bid-evaluation information. Specifically, the Confidential Information contains references to proprietary reports provided to the Company by consultants for evaluation of the bids including supporting calculations. .

Release of the Confidential Information contained in the exhibits filed in response to Data Request DIV-1-1 would compromise the ability of the Company to negotiate future purchase-power contracts because those exhibits contain proprietary and confidential information about the Company’s market forecast and quantitative and qualitative evaluation of bids. The exhibits were used by the Company in the evaluation of bids received and are considered proprietary by the consultants that produced them. More importantly, however, these

projections must be protected from public disclosure because the Company has used this information to evaluate bids associated with the RFP process described herein, and may continue to use this forecast, or similar forecasts, to evaluate future bids for renewable generation services. If other parties gain access to the details of WP Support Tab E-1 and the supporting calculations including any assumptions regarding future energy prices contained therein, the Company's ability to negotiate the best deals possible on behalf of customers would be compromised. Accordingly, the PUC should protect the energy forecast information in those documents from the public record.

IV. CONCLUSION

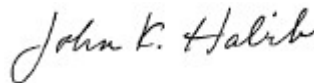
Accordingly, the Company requests that the PUC grant protective treatment above-listed Confidential Information.

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

Respectfully submitted,

NATIONAL GRID

By its attorneys,



John K. Habib, Esq. (RI Bar #7431)
Jessica Buno Ralston, Esq. (RI Bar # 9644)
Keegan Werlin LLP
265 Franklin Street
Boston, Massachusetts 02110
(617) 951-1400

Dated: November 22, 2017

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4764
In Re: Review of Power Purchase Agreements
Pursuant to R.I. Gen. Laws § 39-26.1 *et seq.*
Responses to Division's First Set of Data Requests
Issued on November 8, 2017

Division 1-1

Request:

In the Testimony and Schedules of Corinne M. DiDomenico, she states, "Overall, based on an analysis of the bid data, the cost of energy and RECs under the PPAs for each of the eight selected projects, based on commercial operation dates as reflected in the bids, are less than forecasted market prices by a total of \$70 million, nominal, over the life of the PPAs." (Page 40 of 44, lines 8-11.) She further breaks down the individual contribution of each of the selected contracts to the total net benefit of the \$70 million. Ms. DiDomenico's testimony references WP Support Tab F, CD-ROM [CONFIDENTIAL] in support of this analysis. Please explain how the data in Excel file in WP Support Tab F were used to compute the net direct benefits of each selected contract and the total for all contracts? If all of the supporting data and calculations are not found at this location, please explain how the results were computed and provide supporting calculations?

Response:

Instead of Tab F, as referenced in the testimony, the net direct benefits were in fact calculated for each project using WP Support Tab E-1 (Confidential), filed along with this response. WP Support Tab E-1 (Confidential) contains updated calculations based on revised pricing provided by bidders. Please see Attachment Div 1-1 (Confidential) for calculations.

Bid Score Summary - Updated
 Sorted by Average Total Score

CONFIDENTIAL

Bid	PPA Type	Egy REC Tx	Cap Type	rm Yrs	ISD M/Y	Unit St. Share	Net MW	Net Avg Annual MWh (b)	Net Avg Annual RECs (b)	LevNom \$/MWh	Direct Benefit PV M\$	Direct Costs PV M\$	Net Dir Benefit PV M\$	Anchor Bid B/C			Partic % (c)	Decr. CO2 (d) (KST)	Dir B/C	B/C Ratio			CT Score	CT Qual Score	CT Total Score	MA Score	MA Qual Score	MA Total Score	Avg Total Score	
														CT	MA	PrtSt				CT	MA	PrtSt								
														1.67	1.77	1.72				CT	MA	PrtSt								
														Anchor Bid B/C						<- Ranger Sanford (a)										
Ranger Sanford	PPA																													
Ranger Chinook	PPA																													
Ranger Farmington	PPA																													
Ranger Quinebaug	PPA																													
RES Hope-Scituate	PPA																													
Cassadaga	PPA																													
RES Woods Hill	PPA																													
Simsbury - Deepwater	PPA																													
CEC (PAR NoMR PAR-Ref)	PPA																													
EvergrnExp (ClusterAdj)	PPA																													
VGL (PAR NoMR PAR-Ref)	PPA																													
Candlewood - Ameresco	PPA																													
GRE 501 MIRA	PPA																													
Weaver - 20	PPA																													
Weaver - 15	PPA																													
EDP N Stonington	PPA																													
EDP Gardner	PPA																													
EDP Hopkinton 1	PPA																													
EDP Hopkinton 2	PPA																													
EDP Hopkinton 3	PPA																													
EDP Hopkinton 4	PPA																													
EDP Fitchburg	PPA																													
EDP W Greenwich	PPA																													
NPT (f)	DCM																													
Beacon Falls	PPA																													
MREI KingPine (ClustAdj)	PPA																													
Other Transmission Bid Sensitivity																														
EvergrnExp (No ClustAdj)	PPA																													
CEC (NoPAR)	PPA																													
CEC (NoMR)	PPA																													
CEC (PAR NoMR)	PPA																													
VGL (NoPAR)	PPA																													
VGL (PAR NoMR)	PPA																													
NPT NoMR (f)	DCM																													

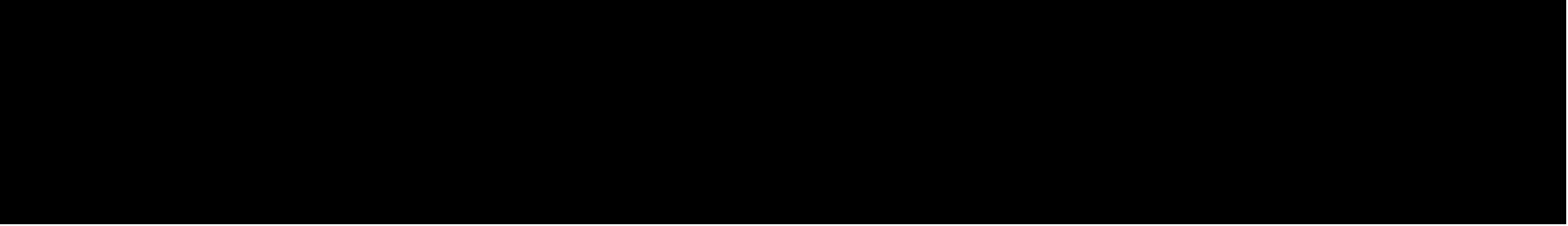


Bid Score Summary - Updated

Sorted by Average Total Score

CONFIDENTIAL

Bid	Bid Type	PPA			Cap Type	Term Yrs	ISD M/Y	Unit St. Share	Net MW	Net Avg Annual MWh (b)	Net Avg Annual RECs (b)	LevNom \$/MWh		Direct Benefit PV M\$	Direct Costs PV M\$	Net Dir Benefit PV M\$	Partic % (c)		Decr. CO2 (d) (KST)	Dir B/C	B/C Ratio			CT Score	CT Qual Score	CT Total Score	MA Score	MA Qual Score	MA Total Score	Avg Total Score									
		Egy	REC	Tx								Direct Benefit	Direct Cost				CT	MA			PrtSt																		
		Anchor Bid B/C	1.67	1.77								1.72	<- Ranger Sanford (a)																										
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VGL (NoPAR)	PPA																																						
VGL (PAR NoMR)	PPA																																						
NPT NoMR (f)	DCM																																						



CONFIDENTIAL

Bid	Net Avg	LevNom \$/MWh		RI %	Contract	Market	Net Direct
	Annual	Direct	Direct				
	MWh (b)	Benefit (Tot)	Cost		Cost		
Ranger Sanford							
Ranger Chinook							
Ranger Farmington							
Ranger Quinebaug							
Cassadaga							
RES Woods Hill							
RES Hope							
RES Scituate							
						Total (\$/yr)	
						20 yrs (\$)	

Data Source: WP Support Tab E-1 (Confidential)

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4764
In Re: Review of Power Purchase Agreements
Pursuant to R.I. Gen. Laws § 39-26.1 *et seq.*
Responses to Division's First Set of Data Requests
Issued on November 8, 2017

Division 1-2

Request:

Did National Grid begin with an existing contract and make changes to arrive at each PPA? If so, please identify the source of the starting contract and provide a red-lined version of the each showing the changes made?

Response:

National Grid negotiated all of the contracts from a single model PPA. The model PPA was included as an attachment to the final RFP when it was issued to prospective bidders on November 12, 2015. To compare executed PPAs against the model PPA, please refer to WP Support Tab G of National Grid's November 1, 2017 filing, which shows changes from the model PPA in redlined text.