



July 16, 2018

**VIA FEDEX**

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

Re: Docket No. 4800 – In The Matter of the Application of SUEZ Water Rhode Island Inc. to Revise and Increase in Rates Charged for Water Service

Dear Ms. Massaro:

On behalf of SUEZ Water Rhode Island Inc. (“Company”), enclosed please find an original and nine copies of the Motion for Exemption from Disclosure for certain information contained in the Company’s responses to the following data requests issued in the above-referenced proceeding:

- 1) DIV 5-4; and
- 2) DIV 5-15 (collectively, the “Confidential Information”).

Pursuant to Rule 1.2(g) of the Rhode Island Public Utilities Commission’s Rules of Practice, please find a complete, un-redacted copy of the Confidential Information along with nine copies of the public/redacted versions.

Should you have any questions about this filing, please contact me.

Respectfully submitted,

Brian T. FitzGerald  
Rhode Island Bar ID No. 6568

Enclosures

cc: Docket 4800 Service List (via e-mail w/ public/redacted enclosures)

**BEFORE THE RHODE ISLAND PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF SUEZ WATER RHODE ISLAND INC. ) DOCKET NO. 4800  
TO REVISE AND INCREASE IN RATES )  
CHARGED FOR WATER SERVICE )**

**SUEZ WATER RHODE ISLAND INC.'S MOTION FOR EXEMPTION FROM  
DISCLOSURE**

Pursuant to R.I. Gen. Laws § 38-2-2(4)(B) and Rhode Island Public Utilities Commission (“PUC”) Rule 1.2(g), SUEZ Water Rhode Island Inc. (“SWRI” or the “Company”), by and through its undersigned counsel, hereby requests that the PUC exempt from public disclosure the attachments to the Company’s responses to:

- 1) Division of Public Utilities and Carrier (“Division”) Data Request 5-4 which contains a ratings analysis of SUEZ Water Resources Inc. by S&P Global Ratings (“S&P); and
- 2) Division Data Request 5-15 which contains asset return information generated by Ibbotson Associates (“Ibbotsen”) (together, the “Confidential Information”).<sup>1</sup>

The Company also respectfully requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to PUC Rule 1.2(g)(2).<sup>2</sup>

**I. LEGAL STANDARD**

PUC Rule 1.2(g) provides that access to public records shall be granted in accordance with the Rhode Island Access to Public Records Act (“APRA”), R.I.G.L. § 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

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<sup>1</sup> Contemporaneously with the submission of this motion, the Company is providing Public/Redacted versions of its responses to the data requests listed above.

<sup>2</sup> The Company inadvertently released the Confidential Information when it originally responded to Division Data Requests 5-4 and 5-15. Following submission of this motion, the Company will request that: 1) the Confidential Information be removed from the PUC Website; and 2) all parties in this proceeding not entitled to the Confidential Information destroy such information immediately. All parties will be served with the Public/Redacted versions of the responses to the above-listed data requests.

such documents and materials falls within one of the exceptions specifically identified in R.I.G.L. § 38-2-2(4). The APRA specifically exempts from public disclosure “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.” R.I.G.L. § 38-2-2(4)(B).

In Providence Journal Company v. Convention Center Authority, the Rhode Island Supreme Court established a standard for determining whether an APRA exemption applies to certain information, thus exempting such information from public disclosure. 774 A.2d 40 (R.I. 2001). Under this test, information must be protected if its disclosure would 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. Id. at 47. Information voluntarily provided to a government agency that “is of the sort that would not customarily be disclosed to the public” by the entity from which it was obtained is deemed to satisfy the first prong of the Providence Journal standard. See id.

## II. ANALYSIS

The Confidential Information contains confidential and proprietary information which must not be disclosed. Specifically, the Confidential Information contains documents prepared by S&P and Ibbotson which constitutes their intellectual property and which the Company is not authorized to disclose. Furthermore, disclosure of the Confidential Information may violate the relevant licensing agreements governing such information.

III. CONCLUSION

In summary, the Company respectfully requests that the Confidential Information be protected from public disclosure.

Dated: July 16, 2018

Respectfully submitted,



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*Attorneys for SUEZ Water Rhode Island Inc.*

**SUEZ WATER RHODE ISLAND, INC.**

**Docket No. 4800**

**Fifth Set of Data Requests of the  
Division of Public Utilities and Carriers**

**March 12, 2018**

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**5-4  
(Walker)**

**5-4** Please provide all SWR credit rating reports issued since January 1, 2016. If no such reports have been issued during that time period, please provide the most recent such reports from S&P and Moody's.

**Response:** Please see 5-4 Attachment.



# RatingsDirect®

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## Summary:

# SUEZ Water Resources Inc.

### Primary Credit Analyst:

Obioma Ugboaja, New York 212-438-7406; obioma.ugboaja@spglobal.com

### Secondary Contact:

Gabe Grosberg, New York (1) 212-438-6043; gabe.grosberg@spglobal.com

### Research Contributor:

Andrea Dsouza, CRISIL Global Analytical Center, an S&P Global Ratings affiliate, Mumbai

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