



July 13, 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 3-3;
- 2) DIV 3-9;
- 3) COM 1-19;
- 4) COM 2-16; and
- 5) COM 2-17 (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 certain information contained in the Company’s response to the following data requests:

- 1) Division of Public Utilities and Carriers (“Division”) Data Request 3-3;
- 2) Division Data Request 3-9;
- 3) PUC Data Request 1-19;
- 4) PUC Data Request 2-16; and
- 5) PUC Data Request 2-17 (collectively, the “Confidential Information”).¹

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).²

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

² The Company inadvertently publicly released the Confidential Information when it originally responded to Division Data Request 3-3, Division Data Request 3-9 and PUC Data Request 1-19. At the Company’s request, the Confidential Information has since been removed from the PUC Website. Following submission of this motion, the Company will request that 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 above-listed data requests.

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 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). The APRA also exempts “personally individually identifiable” information which would “constitute a clearly unwarranted invasion of personal privacy.” R.I.G.L. § 38-2-2(4)(A).

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 salary information, including the individual bonus and incentive compensation payments paid to individual employees listed by title. This information is commercially sensitive and must not be released because the Company competes with other employers to attract and retain high-performing and well-qualified employees. If other employers knew the specific salary and incentive payments that the Company offers to its employees, they might be able to frustrate the Company's efforts to draw new candidates as well as maintain its current workforce.


Furthermore, the salary information is listed by employee title and hire date. Because some of these titles are held by a single individual and/or a single individual holding that title was hired on the listed hire date, the Confidential Information could be used to discern the salaries and/or incentive compensation payments of individual employees which constitutes an unwarranted invasion of personal privacy.

III. CONCLUSION

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

Dated: July 13, 2018

Respectfully submitted,



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