

March 1, 2019

VIA HAND DELIVERY & ELECTRONIC MAIL

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

RE: Docket 4915 - Proposed FY 2020 Electric Infrastructure, Safety, and Reliability Plan Responses to Division Data Requests – Set 4

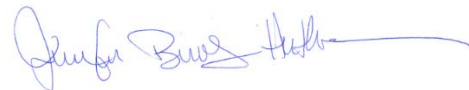
Dear Ms. Massaro:

On behalf of National Grid,¹ I have enclosed ten (10) copies of the Company's response to Division 4-4.

This filing also contains a Motion for Protective Treatment of Confidential Information in accordance with 810-RICR-00-00-1-1.3(H)(3) (Rule 1.3(H)) of the PUC's Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(A), -(B). National Grid seeks protection from public disclosure of certain confidential and privileged information in Attachment DIV 4-4. In addition, the information in Attachment DIV 4-4 contains Critical Energy Infrastructure Information (CEII). In compliance with Rule 1.3(H), National Grid has provided the PUC with one complete, unredacted copy of Attachment DIV 4-4. Due to the voluminous nature of Attachment DIV 4-4, the Company is providing this attachment on a USB Flash Drive in an envelope marked, **“HIGHLY CONFIDENTIAL INFORMATION - DO NOT RELEASE! Contains Critical Energy Infrastructure Information (CEII). Do Not Distribute or Copy”**. The redacted version of Attachment DIV 4-4 is also being provided on USB Flash Drive.

Thank you for your attention to this transmittal. If you have any questions, please contact me at 401-784-7288.

Very truly yours,



Jennifer Brooks Hutchinson

Enclosures

cc: Docket 4915 Service List
John Bell, Division
Greg Booth, Division
Leo Wold, Esq.
Christy Hetherington, Esq.
Al Contente, Division

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

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



Joanne M. Scanlon

March 1, 2019
Date

Docket No. 4915 - National Grid's Electric ISR Plan FY 2020
Docket No. 4857 - Performance Incentives Pursuant to R.I.G.L. §39-1
27.7.1(e)(3)

Service List as of 1/4/2019

Name/Address	E-mail Distribution	Phone
Jennifer Hutchinson, Esq. National Grid 280 Melrose St. Providence, RI 02907	jennifer.hutchinson@nationalgrid.com ; celia.obrien@nationalgrid.com ; Joanne.scanlon@nationalgrid.com ;	401-784-7288
National Grid Melissa Little John Nestor Ryan Moe Adam Crary William Richer Kathy Castro	Melissa.Little@nationalgrid.com ; Ryan.Moe@nationalgrid.com ; John.Nestor@nationalgrid.com ; Adam.Crary@nationalgrid.com ; William.Richer@nationalgrid.com ; Kathy.Caston@nationalgrid.com ;	
Division of Public Utilities (Division) Christy Hetherington, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	Chetherington@riag.ri.gov ; Dmacrae@riag.ri.gov ; John.bell@dpuc.ri.gov ; Macky.McCleary@dpuc.ri.gov ; Jonathan.Schrag@dpuc.ri.gov ; Kevin.Lynch@dpuc.ri.gov ; Joseph.shilling@dpuc.ri.gov ;	
Greg Booth Linda Kushner PowerServices, Inc 1616 E. Millbrook Road, Suite 210 Raleigh, NC 27609	gbooth@powerservices.com ; Lkushner@powerservices.com ;	919-256-5900

Office of Energy Resources (OER) Andrew Marcaccio, Esq. Dept. of Administration Division of Legal Services One Capitol Hill, 4 th Floor Providence, RI 02908	Andrew.marcaccio@doa.ri.gov ;	401-222-3417
Christopher Kearns, OER Carrie Gill Nick Ucci	Christopher.Kearns@energy.ri.gov ; Carrie.Gill@energy.ri.gov ; Nicholas.Ucci@energy.ri.gov ;	
File an original & ten copies w/: Luly E. Massaro, Commission Clerk John Harrington, Commission Counsel Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Luly.massaro@puc.ri.gov ; John.harrington@puc.ri.gov ; Cynthia.WilsonFrias@puc.ri.gov ; Alan.nault@puc.ri.gov ;	401-780-2107

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RHODE ISLAND PUBLIC UTILITIES COMMISSION

Fiscal Year 2020 Electric Infrastructure,)
Safety and Reliability Plan) Docket No. 4915
)

**MOTION OF THE NARRAGANSETT ELECTRIC
COMPANY D/B/A NATIONAL GRID FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid¹ hereby requests that the Rhode Island Public Utilities Commission (PUC) grant protection from public disclosure of certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by PUC Rule 810-RICR-00-00-1-1.3(H)(3) (Rule 1.3(H)) and R.I. Gen. Laws § 38-2-2(4)(A), -(B). National Grid also hereby requests that, pending entry of that finding, the PUC preliminarily grant National Grid’s request for confidential treatment pursuant to Rule 1.3(H)(2).

I. BACKGROUND

On December 21, 2018, National Grid submitted its Fiscal Year (FY) 2020 Electric Infrastructure, Safety, and Reliability (ISR) Plan filing in the above-captioned docket. Thereafter, on February 20, 2019, February 25, 2019, and March 1, 2019, National Grid submitted responses to the Division of Public Utilities and Carriers (Division) Fourth Set of Data Requests (Division Set 4). Division Set 4 includes Data Request Division 4-4, which seeks copies of Project Sanctioning Papers and applicable reauthorizations for all projects sanctioned. In response to this Data Request, National Grid is providing these Project Sanctioning Papers in

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

Attachment DIV 4-4. Attachment DIV 4-4 includes confidential information and/or Critical Energy Infrastructure Information (CEII). Specifically, the Project Sanctioning Papers, included in Attachment DIV 4-4, include customers' project names, addresses, and other identifying information, proprietary and commercially sensitive business information, and/or CEII. For purposes of the Company's responses to Division 4-4, the Company is providing both redacted and un-redacted versions of Attachment DIV 4-4.

Therefore, the Company requests that, pursuant to Rule 1.3(H), the PUC afford confidential treatment to the confidential and proprietary information and/or CEII contained in Attachment DIV 4-4.

II. LEGAL STANDARD

Rule 1.3(H) 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 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). 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 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 the disclosure of information would be likely either (1) to impair the government's ability to obtain necessary information in the future; or (2) to 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 voluntarily provided 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.

National Grid meets the first and second prongs of this test, which apply here.

In addition, R.I. Gen. Laws § 38-2-2(4)(A)(I)(b) provides that the following types of records shall not be deemed public:

Personnel and other personal individually-identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. §552 *et seq*

See Providence Journal Co. v. Kane, 577 A.2d 661, 665 (R.I. 1990) (noting that the plaintiffs' request for information that will uniquely identify State employees by name, address, and employment history directly contravenes the clear proscription set forth in § 38-2-2 against disclosure of all records which are identifiable to an individual employee, including personnel records.). Although the Court in Kane addressed a request for personal employee information, the APRA clearly protects the personal customer information that National Grid seeks to protect in Attachment DIV 4-4 because this information includes customers' project names and addresses.

III. BASIS FOR CONFIDENTIALITY

The information contained in Attachment DIV 4-4 should be protected from public disclosure. The information provided in this attachment is confidential and privileged information of the type that National Grid does not ordinarily make public. Attachment DIV 4-4 includes Project Sanctioning Papers that contain customers' project names, addresses, and other identifying information, proprietary and commercially sensitive business information, such as information relating to the Company's transmission system, and/or CEII. With respect to customer-specific information, the Company is legally obligated to protect this type of information from public disclosure and the PUC has previously recognized the proprietary nature of this information. As such, the customers' project names and addresses contained in Attachment DIV 4-4 satisfies the exception found in R.I. Gen. Laws. § 38-2-2(4)(A)(I)(b).

In addition, public disclosure of the transmission information and other information identified as CEII in Attachment DIV 4-4 would negatively impact National Grid's ability to effectively operate to provide safe and reliable service to its customers. As such, this information is of a kind that National Grid would customarily not release to the public. Therefore, this information satisfies the exception found in R.I. Gen. Laws § 38-2-2(4)(B).

Accordingly, National Grid is providing Attachment DIV 4-4 on a voluntary basis to assist the PUC with its decision-making in this proceeding, but respectfully requests that the PUC provide confidential treatment to the information.

IV. CONCLUSION

For the foregoing reasons, National Grid respectfully requests that the PUC grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

By its attorney,



Jennifer Brooks Hutchinson, Esq. (#6176)
National Grid
280 Melrose Street
Providence, RI 02907
(401) 784-7288
Dated: March 1, 2019

Division 4-4

Request:

List all projects sanctioned, either individually or as cumulative group of projects, over \$1M which are included in the FY 2020 ISR Plan, and provide the associated Project Sanctioning Paper and any reauthorizations that are applicable.

Response:

Please see Confidential Attachment DIV 4-4 for the documentation requested above. Confidential Attachment DIV 4-4 also includes an index of the sanction papers and their related funding projects included in the Fiscal Year 2020 Electric Infrastructure, Safety, and Reliability Plan.

Confidential Attachment DIV 4-4 contains Critical Energy Infrastructure Information (CEII) and other confidential information. Accordingly, the Company is seeking confidential treatment of Confidential Attachment DIV 4-4 in accordance with PUC Rule 810-RICR-00-00-1-1.3(H)(3) (PUC Rule 1.3(H)) and has included a Motion for Protective Treatment of Confidential Information with this response.

Due to the voluminous nature and large electronic size of Confidential Attachment DIV 4-4, the Company is providing the redacted version of this attachment on USB Flash Drive.

The Company is providing the Confidential Attachment DIV 4-4 on a USB Flash Drive in an envelope marked, "**HIGHLY CONFIDENTIAL INFORMATION - DO NOT RELEASE! Contains Critical Energy Infrastructure Information (CEII). Do Not Distribute or Copy.**"

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4915
In Re: Electric Infrastructure, Safety, and Reliability Plan FY2020
Responses to the Division's Fourth Set of Data Requests
Issued on February 6, 2019

Confidential Attachment DIV 4-4

Please see USB Flash Drive – **REDACTED**

AND

USB Flash Drive – **HIGHLY CONFIDENTIAL**