

December 20, 2019

BY HAND DELIVERY & ELECTRONIC MAIL

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

**RE: National Grid's Proposed FY 2020 Gas Infrastructure, Safety, and Reliability Plan
Docket No. 4996**

Dear Ms. Massaro:

In compliance with R.I. Gen. Laws § 39-1-27.7.1, I have enclosed 10 copies of National Grid's¹ proposed Gas Infrastructure, Safety, and Reliability (ISR) Plan (Gas ISR Plan or Plan) for fiscal year (FY) 2021. The Gas ISR Plan is designed to enhance the safety and reliability of National Grid's natural gas distribution system. As required by law, National Grid submitted the proposed Plan to the Division of Public Utilities and Carriers (Division) for review. The Division undertook a comprehensive review of the initial plan, which included issuing numerous informal and formal discovery requests to the Company, review of responses to those requests, discussions with Company representatives, and outside consultant review. After further discussions with the Company, the Division and the Company were able to mutually agree on the budget for the Plan. Based on its review of the initial Plan and discussions with the Company, the Division supports the Plan's budget and has indicated its general concurrence with the Plan, including the programs and projects outlined in the Plan. Consistent with prior Gas ISR filings, the Division will continue to review the Plan and its costs after filing.

The Gas ISR Plan is designed to protect and improve the gas delivery system through proactively replacing leak-prone pipe; upgrading the system's custody transfer stations, pressure regulating facilities, and peak shaving plants; responding to emergency leak situations; and addressing conflicts that arise out of state, municipal, and third-party construction projects. The Plan is intended to achieve these safety and reliability goals through a cost-effective, coordinated work plan. The level of work that the Plan provides will sustain and enhance the safety and reliability of the Rhode Island gas distribution infrastructure and directly benefit all Rhode Island gas customers.

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

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The Plan includes a description of the categories of work National Grid proposes to perform in FY 2021 and the proposed targeted spending levels for each work category. In addition to the Plan, this filing includes the pre-filed direct testimony of four witnesses. Amy Smith introduces the Plan document and describes the program components of the Plan; Lee Gresham, JD, PhD provides testimony regarding the operation and maintenance (O&M) expenses associated with the Plan and, specifically, the Company's proposed Heat Decarbonization Assessment planned work. Melissa A. Little describes the revenue requirement for the Plan; and Ryan M. Scheib describes the calculation of the Gas ISR factors proposed in the Plan and provides the bill impacts from the proposed rate changes.

For the average residential heating customer using 845 therms annually, implementation of the proposed ISR factors for the period of April 1, 2020 through March 31, 2021 will result in an annual increase of \$44.08, or 3.7 percent.

For the PUC's convenience, the Company has also included copies of its responses to Division Data Requests Set 1. In connection with the Data Requests, this filing 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)(B). National Grid seeks protection from public disclosure of certain confidential and privileged information in Attachment DIV 1-11. In compliance with Rule 1.3(H), National Grid has provided the PUC with one complete, unredacted copy of Attachment DIV 1-11 in an envelope marked, **"HIGHLY CONFIDENTIAL INFORMATION - DO NOT RELEASE!"**

The Gas ISR Plan presents an opportunity to facilitate and encourage investment in National Grid's gas utility infrastructure and enhance National Grid's ability to provide safe, reliable, and efficient gas service to customers.

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

Very truly yours,



Raquel J. Webster

Enclosures

cc: Christy Hetherington, Esq.
Al Mancini, Division
John Bell, Division
Rod Walker, Division

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RHODE ISLAND PUBLIC UTILITIES COMMISSION

Fiscal Year 2021 Gas Infrastructure, Safety, and Reliability Plan))))	Docket No. 4996
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**NATIONAL GRID’S MOTION FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid¹ hereby requests that the Rhode Island Public Utilities Commission (PUC) grant protection from public disclosure 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)(B). National Grid also 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 20, 2019, National Grid submitted its Proposed Fiscal Year 2021 Gas Infrastructure, Safety, and Reliability Plan (Gas ISR or the Plan) with the PUC. For the PUC’s convenience, the Company also included its responses to the Rhode Island Division of Public Utilities and Carriers’ First Set of Data Requests regarding the Plan. In Data Request Division 1-11, the Division requested a copy of a study relating to the construction of an LNG tank in Cumberland, Rhode Island. In responding to Data Request Division 1-11, National Grid provided a copy of the requested study as Attachment Division 1-11. National Grid requests

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

confidential treatment of this study, which is highly confidential and proprietary because it contains commercially sensitive/trade secret information.

For the reasons described below, the Company requests that, pursuant to R.I. Gen. Laws § 38-2-2(4)(B) and Rule 1.3(H), the PUC afford confidential treatment to the confidential and proprietary information included in Attachment Division 1-11.

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.

III. BASIS FOR CONFIDENTIALITY

The information contained in Attachment DIV 1-11 should be protected from public disclosure because it contains commercially sensitive/trade secret information relating to the study performed in connection with the construction of an LNG tank in Cumberland, Rhode Island. National Grid does not ordinarily make such studies public, and disclosing such commercially sensitive and proprietary information to the public could harm the Company. Moreover, the PUC has previously recognized the proprietary nature of these types of studies.

Accordingly, National Grid respectfully requests that the PUC provide confidential treatment to the confidential study attached as Attachment Division 1-11.

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,



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Dated: December 20, 2019