

February 25, 2010

VIA HAND DELIVERY & ELECTRONIC MAIL

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

**RE: Docket 4111 – Review of Proposed Town of New Shoreham Project
Pursuant to RI General Laws § 39-26.1-7
Responses to Commission Data Requests – Set 5**

Dear Ms. Massaro:

Enclosed please find ten (10) copies of the National Grid's¹ responses to the Commission's Fifth Set of Data Requests issued on February 19, 2010, in the above-captioned proceeding.

Please be advised that the Company is seeking protective treatment of confidential attachments provided in response to Commission Data Request 5-7 and Commission Data Request 5-8, identified as Attachment COMM 5-7 and Attachment COMM 5-8, as permitted by Commission Rule 1.2(g) and by R.I.G.L. § 38-2-2(4)(i)(B). The Company has submitted a Motion for Protective Treatment along with a copy of the confidential attachments mentioned above to the Commission pending a determination on the Company's Motion. The Company has submitted a redacted version of Attachment COMM 5-7 and Attachment COMM 5-8 for the public record.

Pursuant to our phone conversation this morning with Cindy Wilson-Frias, the Company will be submitting a supplemental response to Commission Data Request 5-7 containing aggregate data regarding customer bill impacts for the public record, together with an updated public version of Attachment COMM 5-7. The Company anticipates being able to submit this supplemental information by Friday, February 26, 2010.

Thank you for your attention to this filing. If you have any questions, please feel free to contact me at (781) 907-2121.

Very truly yours,



Jennifer Brooks Hutchinson

Enclosures

cc: Docket 4111 Service List
Leo Wold, Esq.

¹ Submitted on behalf of The Narragansett Electric Company d/b/a National Grid ("Company").

Certificate of Service

I hereby certify that a copy of the cover letter and/or any materials accompanying this certificate were electronically submitted, hand delivered and mailed to the individuals listed below.



Joanne M. Scanlon
National Grid

February 25, 2010
Date

**National Grid – Review of Proposed Town of New Shoreham Project
Docket No. 4111 - Service List Updated 2/10/2010**

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

**Review of Proposed Town of
New Shoreham Project
Pursuant to R.I.G.L. § 39-26.1-7**

Docket No. 4111

**NATIONAL GRID'S REQUEST
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid¹ hereby requests that the Rhode Island Public Utilities Commission (“Commission”) provide confidential treatment and grant protection from public disclosure of certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by Commission Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(i)(B). National Grid also hereby requests that, pending entry of that finding, the Commission preliminarily grant National Grid’s request for confidential treatment pursuant to Rule 1.2 (g)(2).

I. BACKGROUND

On February 25, 2010, National Grid is filing with the Commission responses to the Commission’s Data Requests 5-7 and 5-8. In support of its response to Data Request 5-7, National Grid is attaching redacted and un-redacted versions of a document, identified as Attachment COMM 5-7 that illustrates the estimated annual impact of the PPA plus the transmission line from Block Island to the mainland for each of the

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

Company's fifteen (15) largest customers in 2013. Likewise, in support of its response to Data Request 5-8, National Grid is attaching redacted and un-redacted versions of a document, identified as Attachment COMM 5-8 that illustrates the estimated annual impact of the PPA plus the transmission line from Block Island to the mainland for the municipal accounts for each of Rhode Island's municipalities in 2013. The un-redacted versions of Attachment COMM 5-7 and Attachment COMM 5-8 contain the names of the customers and municipalities, as well as certain billing information such as the annual kWh and estimated bill impacts. The Company has historically considered billing information pertaining to individual customers as confidential and proprietary to those customers. Therefore, National Grid requests that the Commission give the un-redacted versions of Attachment COMM 5-7 and Attachment COMM 5-8, which contains customer billing information, confidential treatment.

II. LEGAL STANDARD

The Commission'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 Commission falls within one of the designated exceptions to the public records law, the Commission 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)(i)(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 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.

In addition, the Court has held that the agencies making determinations as to the disclosure of information under APRA may apply the balancing test established in Providence Journal v. Kane, 577 A.2d 661 (R.I.1990). Under that balancing test, the Commission may protect information from public disclosure if the benefit of such protection outweighs the public interest inherent in disclosure of information pending before regulatory agencies.

II. BASIS FOR CONFIDENTIALITY

The customer information regarding annual usage and bill impacts contained in the un-redacted versions of Attachment COMM 5-7 and Attachment COMM 5-8 has

historically been deemed proprietary to each customer, and customers have come to expect that National Grid will maintain this information on a confidential basis. National Grid is providing the un-redacted versions of Attachment COMM 5-7 and Attachment COMM 5-8 to the Commission and the Division on a voluntary basis to assist the Commission with its decision-making in this proceeding. Public disclosure of this information would directly reveal confidential customer information, including the billing information and other identifying information of the customer and/or municipality. Such disclosure substantially harms National Grid's customers who have not otherwise consented to the public disclosure of their information, and adversely affects National Grid's competitive position in the marketplace. Moreover, such disclosure would undermine National Grid's integrity with its customers.

III. CONCLUSION

Accordingly, the Company requests that the Commission grant protective treatment to the un-redacted versions of Attachment COMM 5-7 and Attachment COMM 5-8.

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

Respectfully submitted,

NATIONAL GRID

By its attorney,

A handwritten signature in black ink, appearing to read "Jennifer Brooks Hutchinson", written over a horizontal line.

Jennifer Brooks Hutchinson (RI Bar #6176)
National Grid
40 Sylvan Road
Waltham, MA 02451
(781) 907-2121

Dated: February 25, 2010

Commission Data Request 5-7

Request:

Please provide the annual impact of the monthly cost under the PPA plus the transmission line from Block Island to the mainland for each of National Grid's largest fifteen (15) customers (to include all meters associated with the customer). Please provide a confidential version which includes the customer identity and a public version delineating the customers as A through O (exclude municipalities).

Response:

Please see Attachment COMM 5-7 to this response for the estimated annual impact of the PPA plus the transmission line from Block Island to the mainland for each of the Company's fifteen (15) largest customers. For purposes of this response, the Company has identified the top fifteen customers with the highest usage at a single location. The Company has provided a comparison of this dollar impact to the total charges billed to each customer over the most recent twelve (12) month period. Please note that some customers were receiving Standard Offer from the Company for the entire year, some received Standard Offer for only a portion of the year, and some were receiving only delivery service (i.e. customers were receiving commodity service from competitive suppliers). For those customers who received Standard Offer service from the Company for all or part of the year, the total charges billed reflect Standard Offer revenue billed during the year as well as delivery revenue billed. The bill impact information is being provided only to the Commission in a confidential version since revealing an individual customer's bill impact coupled with the rate per kWh (which is already currently part of the public record) would directly reveal that customer's annual kWh usage, which information is considered confidential and proprietary to the customer.

Company	Service Type	# of Non-Residential Accounts	Annual Kwh	Recovery Rate per kWh	Including Gross Earnings Tax	Estimated Annual Increase	Annual Total Bill Including Gross Earnings Tax
			(a)	(b)		(c)	(d)

REDACTED

(a) kWh billed during 12 month period ending December 2009
(b) Attachment COMM 2-6
(c) Column (a) x Column (b) / .96
(d) Delivery charges billed during 12 month period ending December 2009

Commission Data Request 5-8

Request:

Please provide the annual impact of the monthly cost under the PPA plus the transmission line from Block Island to the mainland for each of Rhode Island's municipalities (to include all meters associated with the customer).

Response:

Please see Attachment COMM 5-8 to this response for the estimated annual impact of the PPA plus the transmission line from Block Island to the mainland for the municipal accounts for each of Rhode Island's municipalities. The Company has provided a comparison of this dollar impact to the delivery charges billed to each municipality over the most recent twelve (12) month period. The bill impact information is being provided only to the Commission in a confidential version since revealing an individual municipality's bill impact coupled with the rate per kWh (which is currently part of the public record) would directly reveal that municipality's annual kWh usage, which information is considered confidential and proprietary to the municipality.

<u>Municipality</u>	<u># of Accounts</u>	<u>Annual Kwh</u>	<u>Recovery Rate per kWh</u>	<u>Estimated Annual Increase Including Gross Earnings Tax</u>	<u>Annual Billed Charges Including Gross Earnings Tax</u>
		(a)	(b)	(c)	(d)

REDACTED

- (a) kWh billed during 12 month period ending January 2010
- (b) Attachment 1 of COMM 2-6
- (c) Column (a) x Column (b) / .96
- (d) Electricity charges billed during 12 month period ending January 2010, including delivery charges and generation charges, if applicable