

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

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In Re: 2014 Standard Offer Service (SOS)  
Procurement Plan and 2014 Renewable  
Energy (RES) Standard Procurement Plan

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Docket No.: 4393

**DIVISION'S MOTION FOR PROTECTIVE TREATMENT OF  
CONFIDENTIAL INFORMATION**

The Division of Public Utilities and Carriers ("Division") respectfully requests that the 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)(B). The Division represents that National Grid assents to the granting of the within motion.

**I. Background**

On September 16, 2014, the Commission propounded certain data requests to the Division. The Division's responses to those data requests contain confidential information. Accordingly, the Division files the redacted version of the responses along with this motion, and will file the un-redacted responses under seal on October 21, 2014.

**II. Legal Standard**

Commission 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 are deemed

to be a “public record,” unless the information contained in such documents and materials falls within one or more of the exceptions specifically identified in R.I.G.L. § 38-2-2(4). To the extent that information provided to the Commission falls within one of the designated exceptions to the public records laws, the Commission has the authority under the terms of APRA to treat such information as confidential and to protect that information from public disclosure.

In that regard, R.I.G.L. § 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 disclosure of information would likely 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. 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. The second prong is self-explanatory.

### **III. Basis for Confidentiality**

The Division seeks protective confidential treatment for the portions of the Division’s data responses which include confidential and sensitive information regarding cost of procurement information. The un-redacted information can be used to impact negotiations between NGrid and its suppliers, and is not the type of information customarily released to the public. Further, the information’s

release could cause substantial harm to the competitive position of NGrid in its negotiations with its suppliers.

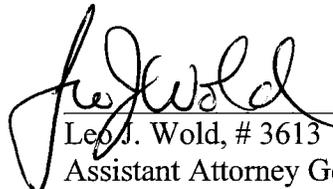
**IV. Conclusion**

Accordingly, the Division requests that the Commission grant protective treatment to the confidential un-redacted data responses of the Division to be hand-filed with the Commission on October 21, 2014.

Respectfully submitted,

DIVISION OF PUBLIC UTILITIES  
AND CARRIERS  
By its attorney,

PETER F. KILMARTIN  
ATTORNEY GENERAL



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Dated: October 20, 2014

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: NARRAGANSETT ELECTRIC  
COMPANY d/b/a NATIONAL GRID'S  
2014 STANDARD OFFER SERVICE  
PROCUREMENT PLAN AND 2014  
RENEWABLE ENERGY STANDARD  
PROCUREMENT PLAN

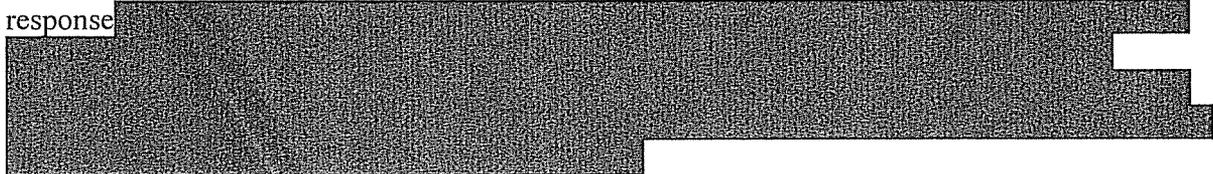
DOCKET NO. 4393

DIVISION'S RESPONSE TO THE FIRST SET OF DATA REQUESTS  
FROM THE PUBLIC UTILITIES COMMISSION

Comm 1-1. Estimate the usage, demand, collection and bill impacts for the period December 2014 through June 2015 if the current six month SOS rate for the period January through June, 2015 were changed to a six-month rate for the period December, 2014 through May, 2015 or a 12-month rate for the period January through December, 2015.

1-1 Response: For purposes of the response, the Division assumes the Commission's inquiry pertained to the Residential group standard offer rate and not the Commercial group. That being said, there is not currently a six month SOS rate established for the January through June 2015 period as the remaining 15% load has not been contracted for as of yet, and National Grid has not supplied its market price estimate for the 10% of spot purchased for the January-June period.

National Grid did provide a confidential response to PUC request 1-1, which utilized certain Commission-directed assumptions about the cost of the remaining procurements. In that response



The Division has not performed an analysis of the usage, demand, collection, and bill impacts for the December 2014 through June 2015. National Grid was asked the identical information request in Comm 2-1 to NGrid, as the PUC asked in Comm 1-1 to the Division. We believe the Company will be in a better position to provide the requested information in response to the Commission's inquiry.

Respondent: Stephen Scialabba

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

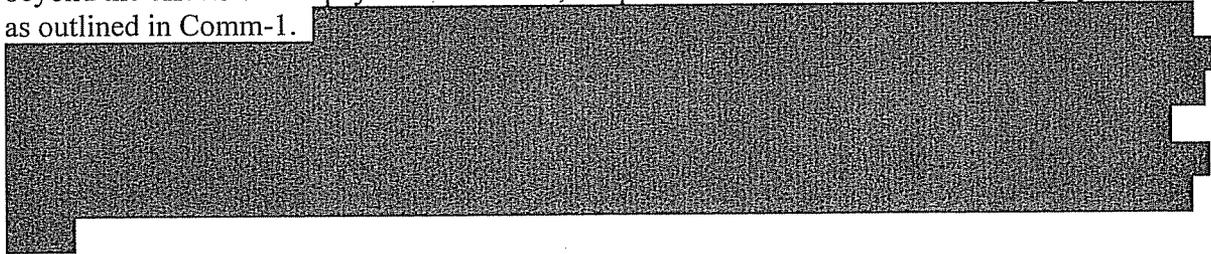
IN RE: NARRAGANSETT ELECTRIC  
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DIVISION'S RESPONSE TO THE FIRST SET OF DATA REQUESTS  
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COMM 1-2. Beyond the effects on ratepayers and utilities, what is the potential economic effect of changing the rates as outlined in Comm 1-1?

1-2 Response: The Division has not performed any broad based economic analysis to assess, beyond the effects on ratepayers and utilities, the potential economic effect of changing the rates as outlined in Comm-1.



One thing for the Commission to consider if contemplation is given to changing the established standard offer pricing periods is the effects on the competitive marketplace of changes in the PUC's standard offer pricing policy, both in terms of changing the months the rates will change, and the time periods for which the rates will be in effect. Both energy suppliers and customers, especially those who have been served by a competitive supplier, have come to understand the pricing periods that have been established. Since the standard offer is the utility back-stop default service and is the benchmark against which suppliers offer competitive supply service, changes or inconsistencies in the PUC's pricing policy might have some effect on that market.

An additional effect to consider if prices are set to be averaged over longer pricing periods such as twelve months, is the potential effect on the Standard Offer Billing Adjustment. Under the terms of the Standard Offer tariff, when a customer leaves SO service during a pricing period, on his first bill received after the switch to a competitive supplier, he will see the billing adjustment. The adjustment could be a surcharge or a credit, and reflects the value of the difference between the SO rates billed and National Grid's underlying standard offer month-by-month SO contract costs for the kWhs consumed by the departing customer over the SO pricing period. The further that billed rates are removed from monthly costs, and the longer the pricing periods are maintained, there is the potential for larger billing adjustments. Billing adjustments

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had been a significant source of customer confusion in the spring of 2014, based on the number of calls received at the Division from customers who switched to competitive suppliers after the high cost periods of January-March of 2014.

Respondent: Stephen Scialabba