

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

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In Re: 2015 Standard Offer Service (SOS)  
Procurement Plan Custom and 2015 Renewable  
Energy (RES) Standard Procurement Plan

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Docket No.: 4490

**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 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). National Grid also respectfully requests that, pending entry of that finding, the Commission preliminary grant the Division's request for confidential treatment pursuant to Rule 1.2(g)(2).

**I. Background**

On June 18, 2014, the Division filed with the Commission a Memorandum from its expert, Richard Hahn, which contained confidential information.

**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 the APRA, all documents and materials submitted in connection with the transaction of official business by an agency are deemed to be "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). Therefore, 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 the 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.

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

The Division seeks protective confidential treatment for the portions of Richard Hahn's Surrebuttal Memorandum which includes confidential and sensitive information regarding the bidding process. The redacted information can be used to impact future negotiations.

### **IV. Conclusion**

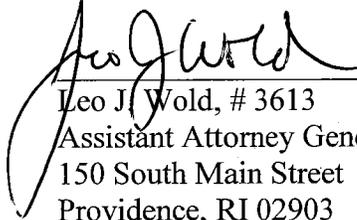
Accordingly, the Division requests that the Commission grant protective treatment to the confidential un-redacted Memorandum of Richard Hahn.

Wherefore, for the foregoing reasons, the Division respectfully requests that the Commission grant its Motion for Protective Treatment.

Respectfully submitted,

DIVISION OF PUBLIC UTILITIES  
AND CARRIERS

By its attorney,  
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