



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION
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Chairperson Margaret E. Curran
Commissioner Herbert F. Desimone
Commissioner Paul J. Roberti

MEMORANDUM

To: Attorneys McElroy, Keough, Wold & Hetherington
Cc: Docket No. 4406 - Service List
From: Cynthia Wilson-Frias, Deputy Chief of Legal Services
Date: August 17, 2015
Re: Docket No. 4571 – Providence Water Supply Board Discovery Disputes

Pursuant to Public Utilities Commission (PUC) Rules of Practice and Procedure 1.18(c) and 1.18(e), Commissioner Herbert DeSimone, Jr., presiding commissioner in the above-referenced matter has determined the following:

- (1) Providence Water Supply Board's (Providence Water) request for protective treatment of the response to DIV-3-1, provided to the PUC under seal in response to is hereby approved. The Division shall be entitled to an unredacted copy. Any party with whom Providence Water executes a confidentiality agreement shall also be entitled to a copy of the unredacted response.
- (2) Bristol County Water Authority's (BCWA) Motion to Compel Further Responses to Data Requests and to Strike Objections related to BCWA 1-11, 1-14, 1-25, 1-26, 2-1, 2-2, and 2-9, specifically related to the Executive Session Minutes of August 16, 2006, February 21, 2007, August 12, 2009, and May 4, 2011 are granted, in part. Providence Water shall produce the portions of the Executive Session Minutes related solely to the location of Providence Water employees and departments and/or a central operations facility as requested in BCWA's data requests. In its objection, Providence Water has properly noted that R.I. Gen. Laws § 38-2-2(4)(J) exempts the Executive Session Minutes from the definition of public document. For that reason, the preliminary finding is that the PUC will afford the Executive Session Minutes confidential treatment.

As additional support for granting protective treatment, like Providence Water, the PUC relies on R.I. Gen. Laws § 38-2-2(4)(I) and (N). Therefore, these minutes shall be accorded protective treatment and only provided pursuant to a confidentiality agreement between Providence Water and the party with whom the confidentiality agreement has been entered. While there is concern on Providence Water's part about releasing properly sealed Executive Session Minutes to the PUC and the parties under a

confidentiality agreement, simply because the documents are not considered public documents does not make them irrelevant to the proceeding before the PUC wherein the PUC has been asked to approve rates to support spending by a public body. Therefore, the information is necessary for the PUC to properly carry out its role in ensuring just and reasonable rates.

Providence Water shall produce the documents by Friday, August 21, 2015 at 4:00 p.m.