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August 13, 2015

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

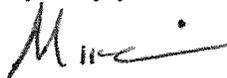
Re: Providence Water Supply Board – Docket No. 4571

Dear Luly:

Enclosed for filing are an original and nine copies of Providence Water Supply Board's Request for Protective Treatment of Confidential Information.

If you have any questions, please feel free to call.

Very truly yours,



Michael R. McElroy

MRMc:tmg

cc: Service List
Ricky Caruolo
Peter Pallozzi
Thomas Massaro

**Docket No. 4571 - Providence Water Supply Board – Abbreviated Rate Filing
Service List updated 7/21/15**

***Requested to receive hard copy of all pleadings**

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: PROVIDENCE WATER SUPPLY BOARD : DOCKET No. 4571

**PROVIDENCE WATER SUPPLY BOARD'S REQUEST FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

As permitted by Commission Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(I) and (N), Providence Water Supply Board ("Providence Water") hereby requests that the Rhode Island Public Utilities Commission ("Commission") provide confidential treatment and grant protection from public disclosure for certain confidential, sensitive, proprietary, and privileged information (i.e., Providence Water's responses to Division 3-1 identifying possible Central Operating Facility ("COF") locations and the reasons for not selecting them).

Providence Water also hereby requests that, pending entry of the finding, the Commission preliminarily grant Providence Water's request for confidential treatment pursuant to Rule 1.2(g)(2).

I. BACKGROUND

On August 7, 2015, the Division issued the following data request to Providence Water:

DIV 3-1: Exhibit GG-3 to Gregg Giasson's testimony provides a listing of 29 different properties that Providence Water evaluated for the Center Operating Facility from 2007 through 2015. For all properties other than the Dupont Drive property, please provide a brief description as to why the property wasn't selected.

Providence Water is filing a complete response to this request, but Providence Water requests protective treatment to the response.

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 records," 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 requested by the Division falls within one or more of the designated exceptions to the public records law, the Commission has the authority under its Rules and the terms of the 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) and (N) provide that the following types of records shall not be deemed public:

(I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

* * *

(N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.

III. BASIS FOR CONFIDENTIALITY

The Supreme Court has held that agencies making determinations as to the disclosure of information under the APRA may apply the balancing test established in *Providence Journal v. Kane*, 577 A.2d 661 (RI 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.

Exemption (I) applies because the information requested regarding the properties considered as a potential COF deal with the potential investment or borrowing of public funds.

Also, Exemption (N) applies because all of the information sought consists of “engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts.” The

protection applies “until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned . . .”

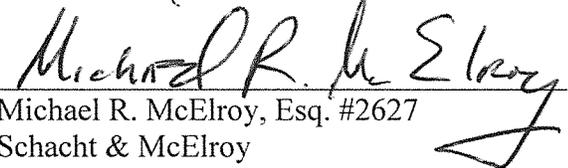
Until Providence Water receives all required approvals and closes on the transaction, the purchase of the proposed COF at 125 Dupont Drive is not final. If the purchase agreement dissolves for any reason, Providence Water will need to begin its COF search anew, and previous potential sites would likely be part of that equation. Therefore, information regarding these sites needs to be kept confidential.

IV. CONCLUSION

Accordingly, Providence Water respectfully requests that the Commission grant its Motion for Protective Treatment as stated herein.

Respectfully submitted,
PROVIDENCE WATER SUPPLY BOARD
By its attorney

Dated: August 13, 2015


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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2015, I sent a true copy of the foregoing to the attached service list.



Michael R. McElroy, Esq. 