

November 6, 2015

VIA HAND DELIVERY & ELECTRONIC MAIL

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

**RE: Docket 4573 – 2015 Distribution Adjustment Charge (DAC)
Responses to Record Requests 1 and 2**

Dear Ms. Massaro:

On behalf of National Grid, I have enclosed ten (10) copies of the Company's responses to Record Requests 1 and 2 issued at the Commission's Evidentiary Hearing on October 26, 2015.

This filing is also accompanied by a Motion for Protective Treatment in accordance with PUC Rule 1.2(g) of the PUC's Rules of Practice and Procedure and R.I.G.L. § 38-2-2(4)(i)(B). Therefore, pursuant to the PUC's Rules, I have enclosed one (1) copy of the unredacted confidential Attachment 1.

This transmittal completes the Company's responses to the record requests issued in this docket.

Thank you for your attention to this filing. If you have any questions, please contact me at 401-784-7288.

Very truly yours,



Jennifer Brooks Hutchinson

Enclosures

cc: Docket 4573 Service List
Leo Wold, Esq.
Steve Scialabba, Division
Bruce Oliver, Division

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

Paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



Joanne M. Scanlon

November 6, 2015
Date

Docket No. 4573 – National Grid –2015 Annual Distribution Adjustment Charge Filing (“DAC”) - Service List as of 9/18/15

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**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
RHODE ISLAND PUBLIC UTILITIES AND CARRIERS**

**2015 Distribution Adjustment Charge Filing
Docket No. 4573**

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

National Grid¹ respectfully requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment and grant protection from public disclosure certain confidential information submitted in this proceeding, as permitted by Rule 1.2(g) of the PUC's Rules of Practice and Procedures and R.I. Gen. Laws § 38-2-2(4)(B). National Grid also respectfully requests that, pending entry of that finding, the PUC preliminarily grant National Grid's request for confidential treatment pursuant to Rule 1.2(g).

I. BACKGROUND

On November 6, 2015, National Grid filed with the PUC its response to Record Request No. 1 (Record Request), which was issued at the October 26, 2015 evidentiary hearing in the above-captioned docket. In responding to the Record Request, National Grid has included information, including a detailed incident report, regarding a contractor fatality that occurred in 2014 (Fatality). The incident report and information included in the Company's response to the Record Request is highly sensitive and confidential business information, the disclosure of which could seriously compromise any future

litigation concerning the Fatality. Moreover, this is not the type of information that the Company would ordinarily disclose to the public. Therefore, the Company seeks confidential protection of Attachment 1 to Record Request No. 1.

II. LEGAL STANDARD

PUC 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. Gen. Laws § 38-2-1 *et seq.* Under the APRA, all documents and materials submitted in connection with the transaction of official business by an agency is considered a “public record” unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I. Gen. Laws. § 38-2-2(4). Therefore, to the extent that information provided to the PUC falls within one of the designated exceptions to the public records law, the PUC has the authority under the terms of the APRA to treat such information as confidential and to protect that information from public disclosure.

The APRA 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;
and

Any records which would not be available by law
or rule of court to an opposing party in litigation.

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

R.I. Gen. Laws. § 38-2-2(4)(B) and (E). The information contained in the Company's response to the Record Request meet these exceptions to the APRA, and should, therefore, be protected from public disclosure.

III. BASIS FOR CONFIDENTIALITY

The information contained in Attachment to the Record Request regarding the Fatality is highly confidential and includes a confidential business incident report concerning the Fatality. The information contained in the incident report is highly sensitive, and is not the type of information that the Company would ordinarily disclose to the public. Moreover, this is arguably not the type of information that would ordinarily be available to an opposing party in litigation.

IV. CONCLUSION

Accordingly, National Grid respectfully requests that the PUC grant protective treatment to the incident report included as Attachment 1 to Record Request No. 1.

Respectfully submitted,

NATIONAL GRID

By its attorney,



Jennifer Brooks Hutchinson, Esq. (RI Bar #6167)
National Grid
280 Melrose Street
Providence, RI 02907
(401) 784-7288

Dated: November 6, 2015

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket Nos. 4573 and 4474
2015 Distribution Adjustment Charge Filing and
FY 2015 Gas Infrastructure, Safety, and Reliability Plan Reconciliation Filing
Responses to Record Requests Issued at the Commission's Evidentiary Hearing
On October 26, 2015

Record Request No. 1

Request:

Reference to Dave Iseler's testimony regarding contractor fatality:

- a. When did this happen, where and how?
- b. Have there been any remedial measures put into place as a result of the Company's investigation?

Response:

- a-b) Please see Attachment 1 to Record Request No. 1 in this proceeding, which is a confidential copy of the Incident Report filed on March 12, 2015 with the Rhode Island Division of Public Utilities and Carriers (Division) which describes the facts surrounding the incident and the action items taken from the event. Because of possible future litigation, this incident report was filed with the Division pursuant to Section H.2 (Accidents) of the Division's Rules and Regulations Prescribing Standards for Gas Utilities as privileged and confidential.

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket Nos. 4573 and 4474
2015 Distribution Adjustment Charge Filing and
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On October 26, 2015

Attachment 1

REDACTED

Record Request No. 2

Request:

Reference in Dave Iseler's testimony to contractor retraining: Was this related to the contractor fatality?

- a. Why was the retraining necessary?
- b. Who were the contractors involved?
- c. Did the incident cause any contractors to be terminated or replaced?
- d. As a result of the retraining, how many jobs were interrupted and for how long?
- e. How long did the retraining last?

Response:

The contractor retraining discussed in Mr. Iseler's testimony was not directly related to the contractor fatality. For details on this matter, please see the Company's response to Record Request No. 1.

With respect to the contractor retraining:

- a) The Contractor was suspended and retraining required due to National Grid's determination of poor safety performance related to ongoing damages to existing gas facilities while installing replacement gas mains and services.
- b) The contractor requiring retraining was AGI Construction.
- c) National Grid did not terminate or replace AGI Construction, but rather determined that retraining was necessary. There was no additional disciplinary action taken against AGI Construction or any AGI employee.
- d) At the time, work was suspended for approximately two weeks, which delayed the installation of new gas mains for eight projects.
- e) The retraining took approximately two weeks. During that time supplemental damage prevention guidelines were developed and implemented by AGI with National Grid's approval. This process required the AGI supervisors to take back all the work packets currently in the field for a records review to ensure that all information needed was contained in the work packet, and to implement the training for the field workers.