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September 2, 2016

## BY HAND DELIVERY

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

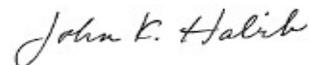
Re: Docket 4627 – In Re: Request for Approval of Firm Transportation Contracts  
with Algonquin Gas Transmission, LLC for the Access Northeast Project  
Responses to NEER Data Requests – Set 4

Dear Ms. Massaro:

On behalf of National Grid,<sup>1</sup> enclosed are National Grid's responses to the Fourth Set of Data Requests issued by NextEra Energy Resources, LLC in the above-referenced matter. Please note that the response to Data Request NEER 4-1 contains Highly Sensitive Confidential Information. A Motion for Protective Treatment is enclosed and the confidential version of this response will only be provided to the Public Utilities Commission and those parties that have executed the appropriate non-disclosure agreement.

Thank you for your attention to matter. If you have any questions, please contact me at (617) 951-1400, or Jennifer Brooks Hutchinson at 401-784-7685.

Very truly yours,



John K. Habib

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<sup>1</sup> The Narragansett Electric Company d/b/a National Grid.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**RHODE ISLAND PUBLIC UTILITIES COMMISSION**

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**Review of Precedent Agreement with  
Algonquin Gas Transmission LLC for  
Capacity on the Access Northeast Project  
Pursuant to R.I.G.L. § 39-31 *et seq.***

**Docket No. 4627**

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

National Grid<sup>1</sup> hereby requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment and grant protection from public disclosure of certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by PUC Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(B). National Grid also hereby requests that, pending entry of that finding, the PUC preliminarily grant National Grid's request for confidential treatment pursuant to Rule 1.2 (g)(2).

**I. BACKGROUND**

On June 30, 2016, National Grid filed with the PUC its request for approval of a precedent agreement with Algonquin Gas Transmission LLC (Algonquin) for capacity on the Access Northeast Energy Project (ANE Project). In support of its request for approval, National Grid submitted initial testimony and supporting exhibits including a copy of the precedent agreement and the Company's analysis of the precedent agreement and ANE Project, including proprietary modeling information and analysis provided by

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

the Company's third-party consultants. For example, the testimony of Gary Wilmes of Black & Veatch Management Consulting LLC (Black & Veatch), provided detailed cost-benefit analysis related to the ANE Project that was created using Black & Veatch's proprietary modeling.

On September 2, 2016 National Grid filed its responses to NextEra Energy Resources, LLC's (NEER) Fourth Set of Data Requests that reference these highly sensitive confidential terms and confidential business information. Specifically, the Company is seeking protective treatment of its response to Data Request NEER 4-1 (containing Highly Sensitive Confidential Information).

As noted above, the Company's affiliates Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid have filed a similar request for approval of precedent agreements with Algonquin for capacity on the ANE Project with the Department. The Department has approved a two tier confidential document designation to provide an added layer of protective treatment in this related proceeding. This additional layer of protective treatment is necessary because certain intervenors granted full-party status in the Massachusetts proceeding are classified as bidders with respect to the request for proposals (RFP) that resulted in the precedent agreement that is the subject of this proceeding. The RFP was jointly and simultaneously issued by the Company, the Company's Massachusetts affiliates and Eversource Energy and, therefore the Company expected that some of the parties who have intervened in the Massachusetts proceeding would also intervene in this proceeding. Therefore, in order to ensure that confidential information is treated consistently across jurisdictions, the Company proposed to implement the same two-tier system for this proceeding. The Company

asserted that if some of these same parties intervene in this proceeding and the two-tier system is not utilized, the two-tier system being used in Massachusetts will be undermined and the Company (and its affiliates) will be placed at a competitive disadvantage. This result would be particularly problematic because it is expected that other pipeline projects will be proposed in the near future to address capacity restraint in the New England region.

In this proceeding, the Company proposed to adopt the same approach to ensure consistency across New England jurisdictions, and to prevent intervenors from gaining access to confidential information that has been restricted in Massachusetts. The Company's response to Data Request NEER 4-1, specifically the information found in Attachment NEER 4-1, has been classified as Highly Sensitive Confidential Information, consistent with the Company's initial filing and as filed in Massachusetts. Although the PUC has declined to adopt the two-tier method of protective treatment proposed, the PUC has determined that National Grid can still mark documents as either HSCI or Confidential and enter into non-disclosure agreements appropriate for each classification. This is appropriate because certain intervenors in this proceeding are also intervenors in the Massachusetts proceeding and many of the documents requested in the discovery of this proceeding are copies of Massachusetts filings.

The Company has provided redacted<sup>2</sup> and unredacted versions of Attachment NEER 4-1; this attachment contains confidential and proprietary economic analysis information. Therefore, National Grid requests that the PUC give the information contained in the unredacted version of Attachment NEER 4-1 protective treatment.

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<sup>2</sup> The redacted version of Attachment NEER 4-1 was provided in response to Data Request PUC 1-1; the redacted version was filed by the Company's Massachusetts affiliates in D.P.U. 16-05 as Attachment NEER 2-44.

## II. LEGAL STANDARD

The PUC'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 APRA, all documents and materials submitted in connection with the transaction of official business by an agency is deemed to be a "public record," unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I.G.L. §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 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)(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 be likely either (1) to impair the Government's ability to obtain necessary information in the future; or (2) to 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 information contained in the un-redacted version of the response to Data Request NEER 4-1, specifically in Attachment NEER 4-1, includes information and outputs that flow from proprietary modeling systems that are the property of the Company's consultant, Black & Veatch. These models, including the assumptions, and the outputs resulting from the models were developed by Black & Veatch for its use in providing analytical and other services to its business clients, including the Company. The models are not available in the public domain, nor may the public access the models, inputs or outputs absent a binding contract for services with Black & Veatch. If publicly disclosed, these documents would provide competitively sensitive information to other parties and could seriously harm the competitive business position of Black & Veatch. Such a result would be contrary to the public interest.

### **IV. CONCLUSION**

Accordingly, the Company requests that the PUC grant protective treatment to the Company's response to Data Request NEER 4-1 (providing Highly Sensitive Confidential Information).

**WHEREFORE**, the Company respectfully requests that the PUC grant its Motion for Protective Treatment as stated herein.

Respectfully submitted,

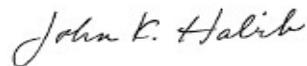
**NATIONAL GRID**

By its attorneys,



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(617) 951-1400

Dated: September 2, 2016

The Narragansett Electric Company  
d/b/a National Grid  
RIPUC Docket No. 4627  
National Grid's Request for Approval  
Of a Gas Capacity Contract and Cost Recovery  
Pursuant to R.I. Gen. Laws § 39-31-1 to 9  
Responses to NextEra's Fourth Set of Data Requests  
Issued August 19, 2016

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NEER 4-1

Request:

Reference Attachment NEER-2-44 at Page 2 of 7 from Mass. DPU 16-05, please state why the modeling approach used for Sensitivity Case B is described differently in Schedule GJW-3 at 22-23. Please also indicate which assumption is actually used in the analysis.

Response:

The modeling approach used in the analysis for Sensitivity Reference Case B is most accurately described in Schedule GJW-3 at 22-23. Please also see the revised version of Attachment NEER-2-44 submitted by the Company's Massachusetts affiliates in D.P.U. 16-05 in response to Record Request RR-National Grid-4 as Attachment RR-National Grid-4. A copy of this attachment is provided as Attachment NEER 4-1 (Highly Sensitive Confidential Information). The redacted version of Attachment NEER-2-44 was not revised in D.P.U. 16-05; the redacted version of this attachment was provided in response to Data Request PUC 1-1.

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NEER 4-2

Request:

Reference National Grid's response to NEER Data Request 1-1 in this Docket, which includes NEER-6-6 from Mass. DPU 16-05 as an exhibit. Regarding NEER 6-6, part c:

- a) Is it possible for volumes to be delivered to the Everett facility other than those you assert are part of the purported long-term contracts referenced in the response? If the answer is not yes, what precludes Everett or any buyer wanting to use the Everett facility from reaching into the global market for LNG and contracting for additional volumes?
- b) Is there a uniform, or fixed, contract term as to the amount of LNG a buyer may contract for from the Everett facility? If yes, please provide the evidence you rely upon in support of your answer.
- c) Is there a uniform, or fixed, contract term over which a contract shall be in effect? If yes, please provide the evidence you rely upon in support of your answer.

Response:

a-c) It may be possible for future LNG imports to be delivered to the Everett facility from GDF SUEZ, or any buyer wanting to use the Everett facility, that exceed the long-term volumes used in the Black & Veatch analysis; however, there are currently no known firm volumes or sales agreements that support these higher LNG import volumes. Black & Veatch is not aware of the commercial contractual terms that GDF SUEZ may require for potential LNG purchasers wanting to use the Everett facility.

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NEER 4-3

Request:

Reference GJW-3, table 10, in this Docket, please state whether units for Greenhouse Gases (Million Tons Co2) are correct.

Response:

Please see the Company's response to Data Request OER-3-1 for the revised version of Table 10 in Schedule GJW-3 with the corrected units and values. In the revised table, the units for the Greenhouse Gases are in (Million Tons CO<sub>2</sub>).

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NEER 4-4

Request:

In Mass. DPU Docket 16-05 National Grid and its expert witnesses provided monthly data detailing the monthly electricity generation produced in each zone of the Black & Veatch ("B&V") modeling broken out into fuel types for the base scenario of B&V model in response to Request for Information NEER-1-1 and NEER-3-5. Please provide this data for all scenarios mentioned in DIV-1-24-A-5 in this Docket and in the same format used in Mass. DPU 16-05 Attachment NEER 1-1(b)(HSCI) and Attachment NEER 3-5(a)(HSCI).

Response:

Please refer to Exhibits NEER-1-1, NEER-3-5, NEER-2-55, and NEER-5-2 that were filed by the Company's Massachusetts affiliates in D.P.U. 16-05 for the requested information above. These exhibits were provided in response to Data Request PUC 1-1.