



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
COUNSEL FOR THE
NAVAL FACILITIES ENGINEERING COMMAND
ATLANTIC
6506 HAMPTON BLVD
NORFOLK VA 23508-1278

VIA FIRST-CLASS MAIL AND ELECTRONIC MAIL

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

April 23, 2018

Re: DOCKET NO. 4770, IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a
NATIONAL GRID – ELECTRIC AND GAS DISTRIBUTION RATE FILING

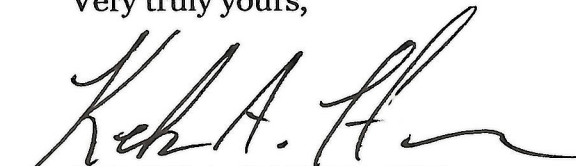
Dear Ms. Massaro:

Enclosed, please find the Department of the Navy's responses to the first set of data requests issued by National Grid in the above-referenced matter.

This filing includes a Motion for Protective Treatment of Confidential Information in accordance with Rule 1.2(g) of the Public Utilities Commission Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B) for the Navy's response to data requests 1-3 and 1-4. The Navy seeks protection from public disclosure of certain confidential information contained in (1) Attachment DON 1-3 CONFIDENTIAL and (2) Exhibit AZA-4 CONFIDENTIAL provided with the response to National Grid's first set of data requests. The Navy has provided the Public Utilities commission with one complete, unredacted copy of the confidential documents in a sealed envelope marked "Contains Privileged Information – Do Not Release" in accordance with Rule 1.2(g)(3).

Please call me at (757) 322-4119 if you have any questions or concerns regarding this filing. Thank you for your attention to this matter.

Very truly yours,



KELSEY A. HARRER, ESQ.

Assistant Counsel
Department of the Navy
Filing on Behalf of the
Federal Executive Agencies

cc: Service List for Docket No. 4770

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY :
d/b/a NATIONAL GRID – ELECTRIC AND GAS : DOCKET NO. 4770
DISTRIBUTION RATE FILING :

**MOTION FOR PROTECTIVE TREATMENT OF CONFIDENTIAL
INFORMATION**

The Department of the Navy (“the Navy”) respectfully requests that the Rhode Island Public Utilities Commission (“PUC”) grant protective treatment of confidential information found in the Navy’s response to National Grid’s First Set of Data Requests to the Department of the Navy in the above-captioned proceeding, as permitted by PUC Rule 1.2(g) and R.I. Gen. Laws § 38-2-2(4)(B). Specifically, the Navy seeks protection from public disclosure for certain confidential financial information and customer-specific usage and billing data for the Federal Executive Agencies. The Navy also requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to Rule 1.2 (g)(2).

I. BACKGROUND

On April 23, 2018, the Navy filed responses to National Grid’s First Set of Data Requests to the Department of the Navy, dated April 9, 2018 (“National Grid Set 1”). National Grid Set 1 includes Data Request 1-3 (seeking “Exhibit AZA-2, Exhibit AZA-3, and Exhibit AZA-4 to the testimony of Witness Ali Al-Jabir in working Excel format with formulae intact”) and Data Request 1-4 (seeking “the workpapers and other documents that support Exhibit AZA-2, Exhibit AZA-3, and Exhibit AZA-4 to the testimony of Witness Ali Al-Jabir”). The Navy’s response to National Grid Set 1 includes two attachments, (1)

Attachment DON 1-3 CONFIDENTIAL and (2) Exhibit AZA-4 CONFIDENTIAL, each of which is an Excel file containing confidential and sensitive financial information. In particular, they contain specific customer information that the Navy ordinarily would not share with the public. In addition, the usage data contained in these documents reflects the operational activities of Department of Defense agencies on military installations.

Therefore, the Navy respectfully requests that, pursuant to Rule 1.2(g), the PUC afford confidential treatment to Attachment DON 1-3 CONFIDENTIAL and Exhibit AZA-4 CONFIDENTIAL.

II. LEGAL STANDARD

Rhode Island 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 APRA, all documents and materials submitted in connection with the transaction of official business by an agency are deemed to be a “public record” unless the information contained in such documents and materials falls within one of the exceptions enumerated in R.I. Gen. Laws § 38-2-2(4). Accordingly, to the extent that information provided to the Rhode Island Public Utilities Commission falls within one of the designated exceptions to APRA, the PUC has the authority to deem such information confidential and to protect that information from public disclosure.

Under R.I. Gen. Laws § 38-2-2(4)(B), “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature” are not deemed public records for the purposes of APRA. The Supreme Court of Rhode Island has held that this exemption applies where disclosure of such information is likely to (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. *See Providence Journal Co. v. Convention Ctr. Auth.*, 774 A.2d 40 (R.I. 2001). Pertinent to the Navy's request herein, the first test enumerated by the Rhode Island Supreme Court is satisfied when information is voluntarily submitted to the governmental agency and such information is "of a kind that customarily would not be released to the public by the person from whom it was obtained." *Id.* at 47.

III. BASIS FOR CONFIDENTIALITY

The Navy seeks confidential treatment for Attachment DON 1-3 CONFIDENTIAL and Exhibit AZA-4 CONFIDENTIAL because the documents contain highly confidential financial information and customer-specific usage and billing data for the Navy and Federal Executive Agencies. Moreover, the usage data contained in these documents is sensitive information that reflects the operational activities of Department of Defense agencies on military installations. In the interest of protecting confidential financial information and operational security of the approximately fifty (50) tenant commands and activities at Naval Station Newport, the Department of the Navy would not ordinarily disclose this type of information to the public. Accordingly, the Navy is voluntarily providing (1) Attachment DON 1-3 CONFIDENTIAL and (2) Exhibit AZA-4 CONFIDENTIAL to the PUC in order to assist with its decision in this proceeding, but respectfully requests that the PUC provide confidential treatment to this attachment

IV. CONCLUSION

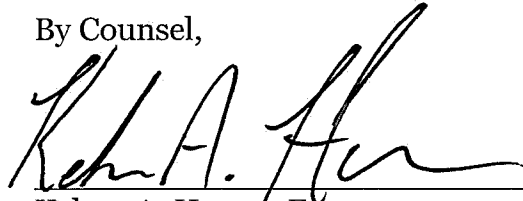
The Department of the Navy requests that the Rhode Island Public Utilities Commission afford protective treatment to Attachment DON 1-3 CONFIDENTIAL and Exhibit AZA-4 CONFIDENTIAL.

WHEREFORE, based on the reasons stated herein, the Department of the Navy respectfully requests that the Rhode Island Public Utilities Commission grant its Motion for Protective Treatment.

Dated: April 23, 2018

Respectfully submitted,
THE DEPARTMENT OF THE NAVY

By Counsel,

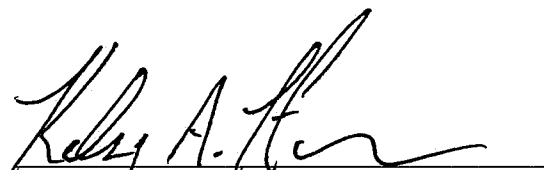
A handwritten signature in black ink, appearing to read "K.A. Harter", is written over a horizontal line.

Kelsey A. Harter, Esq.
Department of the Navy
Filing on Behalf of the
Federal Executive Agencies

CERTIFICATE OF SERVICE

RI PUC Docket No. 4770

I hereby certify on this 23rd day of April, 2018, I mailed this original Motion for Protective Treatment of Confidential Information and accompanying materials to the Rhode Island Public Utilities Commission, and sent a true copy of the document by electronic mail to the parties on the service list, as of April 23, 2018, for Docket No. 4770.



Kelsey A. Harrer, Esq.

**National Grid/Narragansett Electric
Docket No. 4770**

**The U.S. Department of The Navy's Responses to The Narragansett
Electric Company d/b/a National Grid's First Set of Data Requests**

COST OF SERVICE

Data Request No. 1-1:

Provide Exhibit AZA-1 to the testimony of Witness Ali Al-Jabir in working Excel format with formulae intact.

Response:

Please see the attached files.