

April 13, 2018

VIA HAND DELIVERY AND ELECTRONIC MAIL

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

RE: Docket 4770 - Application of The Narragansett Electric Company d/b/a National Grid for Approval of a Change in Electric and Gas Base Distribution Rates
Corrected and Supplemental Response to Division 7-31

Dear Ms. Massaro:

Enclosed is an original of the Company's¹ corrected and supplemental response to Division 7-31 in the above-referenced docket.

This filing includes a Motion for Protective Treatment of Confidential Information in accordance with Rule 1.2(g) of the PUC's Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B) for the Company's corrected and supplemental response to data request Division 7-31. The Company seeks protection from public disclosure of certain confidential information contained in the corrected and supplemental response to Division 7-31 and Confidential Attachment DIV 7-31 Supplemental provided therewith. Accordingly, the Company has provided the PUC with one complete, unredacted copy of the confidential documents in a sealed envelope marked "Contains Privileged and Confidential Information – Do Not Release," and has included redacted copies of these documents for the public filing.

The enclosed corrected and supplemental response to Division 7-31 is listed in the enclosed discovery log and the enclosed table of contents.

Thank you for your attention to this transmittal. If you have any questions, please contact me at 781-907-2153.

Very truly yours,



Celia B. O'Brien

Enclosures

cc: Docket 4770 Service List
Macky McCleary, Division
Jonathan Schrag, Division
John Bell, Division
Al Mancini, Division
Ron Gerwatowski, Division
Leo Wold, Esq.

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

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY)
d/b/a NATIONAL GRID – ELECTRIC AND GAS)
DISTRIBUTION RATE FILING)

Docket No. 4770

**THE COMPANY’S MOTION
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

The Company¹ respectfully requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment to 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. Gen. Laws. § 38-2-2(4)(B). The Company 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 13, 2018, the Company filed a corrected and supplemental response to data request Division 7-31 from the Rhode Island Division of Public Utilities and Carriers’ (the Division) Seventh Set of Data Requests of the Division of Public Utilities and Carriers to National Grid dated January 5, 2018 (Division Set 7). Division Set 7 includes Data Request Division 7-31 (seeking, among other things, a copy of the Company’s contract with its IP wireless service provider and information about the terms of that contract).

The Company’s contract with its IP wireless service provider contains a confidentiality provision that requires, among other things, that the parties to the contract keep the contract and its terms confidential. The Company’s corrected and supplemental response to Division 7-31

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

includes Attachment DIV 7-31 Supplemental, which is an updated copy of that contract to include the most recent Acknowledgements to the contract at pages 1-3. Additionally part b. and part d. of the written corrected and supplemental response to Division 7-31 contain and describe terms of the confidential contract. As such, the written corrected and supplemental response to Division 7-31 and Attachment DIV 7-31 Supplemental contain sensitive confidential commercial information that the Company has a legal obligation to protect from public disclosure.

Therefore, the Company requests that, pursuant to Rule 1.2(g), the PUC afford confidential treatment to the information contained in: (1) the unredacted written corrected and supplemental response to Division 7-31; and (2) confidential Attachment DIV 7-31 Supplemental.

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 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. 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 deem such information to be confidential and to protect that information from public disclosure.

In that regard, R.I. Gen. Laws § 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 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. 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 provided voluntarily 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 redacted portions of the written corrected and supplemental response to Division 7-31 and Attachment DIV 7-31 Supplemental contain confidential pricing information in a contract, the terms of which the Company has a binding contractual legal obligation to keep confidential under the terms of the contract. The Company has a legal obligation to protect this information from public disclosure. If the Company was required to make the confidential contract terms in the corrected and supplemental response to Division 7-31 and Attachment DIV 7-31 Supplemental public in contravention of its legal obligations, the Company's competitive position would be harmed. Further, it would place the Company at legal risk. Accordingly, it is the type of information that the Company ordinarily would not disclose to the public. Therefore, the Company is providing (1) the unredacted written corrected and supplemental response to Division 7-31; and (2) confidential Attachment DIV 7-31 Supplemental to the PUC on a voluntary basis to assist the PUC with its decision-making in this proceeding, but respectfully requests that the PUC provide confidential treatment to this attachment.

IV. CONCLUSION

Accordingly, the Company respectfully requests that the PUC grant protective treatment to (1) the unredacted written corrected and supplemental response to Division 7-31; and (2) confidential Attachment DIV 7-31 Supplemental.

WHEREFORE, the Company respectfully requests that the PUC grant this Motion for Protective Treatment.

Respectfully submitted,

THE NARRAGANSETT ELECTRIC COMPANY

By its attorneys,



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Dated: April 13, 2018

Certificate of Service

I hereby certify that a copy of the cover letter and/or any materials accompanying this certificate were electronically transmitted and/or hand delivered to the individuals listed below.



Najat Coye

April 13, 2018

Date

Docket No. 4770 - National Grid – Rate Application
Service list updated 3/20/2018

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REDACTED

Division 7-31 CORRECTED AND SUPPLEMENTAL

Request:

Re: the Direct Testimony of the Pricing Panel at page 35 of 36, lines 9-12. Please:

- a. Provide documentation of the Company's costs for installation of an IP wireless service.
- b. Provide documentation of the Company's costs for the "associated data plan for FT-1 transportation customers.
- c. Identify the IP wireless service provider and provide a copy of the contract under which the referenced IP wireless services will be provided.
- d. Indicate the term (in years and/or months) of the data plan that the Company will use for FT-1 customers.
- e. Indicate whether a FT-1 Transportation customer will have the options of:
 1. Purchasing and installing their own IP wireless device;
 2. Establishing IP wireless data service plans separate from the plan offered by the Company.
- f. If FT-1 customers will not be provided the options of purchasing and installing their own IP wireless device and/or obtaining their own wireless data plans, please explain why the provision of such options is not reasonable and appropriate.

Response:

- a. Please see Attachment DIV 7-34-4 included in the Company's response to Division 7-34, part a, subparts 4 and 5 for the requested information.
- b. Please see Attachment DIV 7-37-2 included in the Company's response to Division 7-37, part d, subpart 1. The costs of the Low End Data Plan [REDACTED]
[REDACTED] High End costs can vary per month and are based on [REDACTED]
[REDACTED] The Company estimated an average High End cost of [REDACTED] based on an estimate for multi-channel accounts. On a monthly basis, the monthly charges could be greater or less than the [REDACTED] based on the data being

collected, which can vary based on the particular account and the operation of the meter data collection device.

- c. National Grid USA Service Company, Inc. (the Service Company) has a contract with Verizon Wireless to provide wireless data service, which would include data services required for the operation of the IP wireless device. Please see Confidential Attachment DIV 7-31 for a copy of the contract.
- d. Please see Confidential Attachment DIV 7-31, Page 8. The agreement between the Service Company and Verizon Wireless [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- e.
 - 1. No, FT-1 transportation service customers would not have the option of purchasing and installing their own IP wireless device. The digital security required to read external wireless devices over secured networks is very complex, and it would be cost-prohibitive for the Company to allow customers to purchase their own wireless devices.
 - 2. No, FT-1 transportation service customers would not have the option to establish data service plans separate from the plan to be used by Narragansett Gas. For the devices to communicate using a wireless protocol, IP devices need to be assigned and firewall rules need to be configured for a device to communicate with the Meter Collection Systems. Narragansett Gas utilizes IP addresses provided exclusively to them by Verizon Wireless to communicate with external meter reading devices.
- f. The cost to provide secure and accurate meter data collection on a timely basis would be cost-prohibitive for the Company in terms of supporting multiple vendors with different communication protocols. Separate hardware and software would be required to support each protocol, which would potentially increase the risk of cyber intrusion from non-approved external entities. In addition, pursuant to Item 2.02.0 of the Transportation Terms and Conditions of Narragansett Gas' tariff (Bates Pages 93 and 244 of Book 17), Narragansett Gas provides the equipment required for telemetering for FT-1 transportation service, and the proposal is to continue this practice of Narragansett Gas providing the equipment (the IP wireless device) to FT-1 transportation service customers. Not only will this ensure the integrity, timeliness, and security of meter data collection, but also that the equipment does not interfere with the operation of Narragansett Gas' meter or fail to operate as a result of changes in technology. Also pursuant to Item 2.02.0, under the telemetering requirement, the customer is required to

arrange for a telephone service through a landline, keep current with monthly landline bills, and be responsible for ensuring that the landline functions properly. In the recent past, Narragansett Gas has experienced issues with meter data collection and, after inspection, has found some of those issues to be the result of an inoperable landline. Because the landline is under the control of the customer, Narragansett Gas has limited ability to require remediation. The proposal is to have Narragansett Gas use its data service plan to ensure the ability for it to remediate any meter data collection issues on a timely basis.

Supplemental Response:

- c. National Grid USA Service Company, Inc. has a contract with Verizon Wireless to provide wireless data service, which would include data services required for the operation of the IP wireless device. Please see Confidential Attachment DIV 7-31 Supplemental for an updated copy of the Acknowledgement section (pages 1-3) of the contract.

Confidential Attachment DIV 7-31 Supplemental – REDACTED INFORMATION

Attachment DIV 7-31 Supplemental is comprised of the updated copy of the Agreement between Verizon Wireless and National Grid USA Service Company, Inc. to provide wireless data service including the updated Acknowledgement contained in the first three pages. The Company has requested protective treatment of the seventy-two (72)-page document in its entirety.