



March 1, 2018

VIA FEDERAL EXPRESS

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

Re: Docket 4800 – In The Matter of the Application of SUEZ Water Rhode Island Inc. to Revise and Increase in Rates Charged for Water Service

Dear Ms. Massaro:

On behalf of SUEZ Water Rhode Island Inc. (“Company”), enclosed please find a Motion for Exemption from Disclosure for the attachment to the Company’s response to Data Request 1-18 issued by the Division of Public Utilities and Carriers (“Confidential Information”) in the above-referenced proceeding.¹

Also enclosed, please find a complete, un-redacted copy of the Confidential Information, in a sealed envelope marked “**Contains Privileged Information – Do Not Release,**” for the Public Utilities Commission.

Should you have any questions about this filing, please contact me.

Respectfully submitted,

Brian T. FitzGerald
Rhode Island Bar ID No. 6568

Enclosure

cc: Docket 4800 Service List (via e-mail w/o enclosure)
John Bell, Division of Public Utilities and Carriers (via Federal Express w/ enclosure)

¹ The Company submitted the response to Data Request 1-18, which is public, to the Public Utilities Commission on February 28, 2018.

BEFORE THE RHODE ISLAND PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF SUEZ WATER RHODE ISLAND INC.) **DOCKET NO. 4800**
TO REVISE AND INCREASE IN RATES)
CHARGED FOR WATER SERVICE)

**SUEZ WATER RHODE ISLAND INC.’S MOTION FOR EXEMPTION FROM
DISCLOSURE**

Pursuant to R.I. Gen. Laws § 38-2-2(4)(B) and Rhode Island Public Utilities Commission (“PUC”) Rule 1.2(g), SUEZ Water Rhode Island Inc. (“SWRI” or the “Company”), by and through its undersigned counsel, hereby requests that the PUC exempt from public disclosure the confidential attachment submitted in response to Rhode Island Division of Public Utilities and Carriers data request 1-18 (“Confidential Information”). The Confidential Information contains a large-scale distribution map of the Company’s water utility facilities.

The Company also respectfully requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to PUC Rule 1.2(g)(2).¹

I. LEGAL STANDARD

PUC Rule 1.2(g) provides that access to public records shall be granted in accordance with the Rhode Island 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 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). The APRA specifically exempts from public disclosure “[t]rade secrets

¹ Due to the nature of the Confidential Information, the Company is not providing a public/redacted version of the Confidential Information because the redactions would be so extensive as to render the document meaningless.

and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.” R.I.G.L. § 38-2-2(4)(B).

In Providence Journal Company v. Convention Center Authority, the Rhode Island Supreme Court established a standard for determining whether an APRA exemption applies to certain information, thus exempting such information from public disclosure. 774 A.2d 40 (R.I. 2001). Under this test, information must be protected if its disclosure would either: 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. Id. at 47. Information voluntarily provided to a government agency that “is of the sort that would not customarily be disclosed to the public” by the entity from which it was obtained is deemed to satisfy the first prong of the Providence Journal standard. See id.

II. ANALYSIS

As discussed above, the Confidential Information contains a non-public and proprietary distribution map of the Company’s water facility infrastructure. The Confidential Information constitutes critical infrastructure information which must not be released because it discloses the exact locations of SWRI’s water utility facilities, such as water storage tanks, mains, wells, treatment plants and pumping facilities. If the Confidential Information was released, third parties with malicious intent could use this information to target and damage the Company’s infrastructure, thereby jeopardizing the Company’s ability to provide safe and reliable water service to its customers.

Furthermore, the Company is providing the Confidential Information to the PUC voluntarily to aid in its consideration of the issues in this docket even though, ordinarily, the

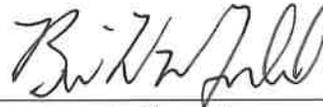
Company would not release such information to the public. Accordingly, the Company respectfully requests that the PUC exempt the Confidential Information from public disclosure.

III. CONCLUSION

In summary, the Company respectfully requests that the Confidential Information be protected from public disclosure.

Dated: March 1, 2018

Respectfully submitted,



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