

February 8, 2019

VIA HAND DELIVERY & ELECTRONIC MAIL

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

**RE: Docket 4816 - Gas Long-Range Resource and Requirements Plan for the
Forecast Period 2017/18 to 2026/27
Responses to Division Data Requests – Set 2**

Dear Ms. Massaro:

Enclosed please find 10 copies of National Grid's¹ responses to the Second Set of Data Requests issued by the Division of Public Utilities and Carriers (Division) in the above-referenced docket.

This filing also contains a Motion for Protective Treatment of Confidential Information in accordance with 810-RICR-00-00-1-1.3(H)(3) of the PUC's Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B). National Grid seeks protection from public disclosure of certain confidential and privileged information, which is contained in its response to Division 2-28(d) and in the following attachments: (1) Attachment DIV 2-1-1 (2015), (2) Attachment DIV 2-1-2 (2016), (3) Attachment DIV 2-1-3 (2017), (4) Attachment 2-1-4 (2018), (5) Attachment DIV 2-4, (6) Attachment DIV 2-7-1 (2015), (7) Attachment DIV 2-7-2 (2016), (8) Attachment DIV 2-7-3 (2017), (9) Attachment 2-7-4 (2018), (10) Attachment DIV 2-8, (11) Attachment DIV 2-14, (12) Attachment DIV 2-15, (13) Attachment DIV 2-17-1, (14) Attachment DIV 2-18-1, (15) Attachment DIV 2-19-1, (16) Attachment DIV 2-20-1, (17) Attachment DIV 2-22, (18) Attachment DIV 2-23-1, (19) Attachment DIV 2-24-2, (20) Attachment DIV 2-25-1, and (21) Attachment DIV 2-30-1. In compliance with Rule 1.3(H)(2), National Grid has provided the PUC with one complete, unredacted copy of the confidential materials in a sealed envelope marked "**Contains Privileged and Confidential Materials – Do Not Release,**" and has included redacted copies of the materials for the public filing.

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

Luly Massaro, Commission Clerk
Docket 4816 – Gas Long-Range Plan
February 8, 2019
Page 2 of 2

Thank you for your attention to this matter. If you have any questions, please contact me at 401-784-7415.

Very truly yours,



Robert J. Humm

Enclosures

cc: Docket 4816 Service List
Jonathan Schrag, Division
Leo Wold, Esq.
Greg Lander

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.

The 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.



Robert J. Humm

February 8, 2019

Date

**Docket No. 4816 – National Grid’s Gas Long-Range Resource Plan
Service List as of 2/5/2019**

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

The Narragansett Electric Company
d/b/a National Grid

Gas Long-Range Resource and Requirements Plan
for the Forecast Period 2017/18 to 2026/27

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**MOTION OF THE NARRAGANSETT ELECTRIC
COMPANY D/B/A NATIONAL GRID FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

National Grid¹ hereby requests that the Rhode Island Public Utilities Commission (PUC) grant protection from public disclosure of certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by 810-RICR-00-00-1-1.3(H)(3) of the PUC's Rules of Practice and Procedure (Rule 1.3(H)) and R.I. Gen. Laws § 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 1.3(H)(2).

I. BACKGROUND

On February 8, 2019, National Grid filed responses to the Second Set of Data Requests from the Division of Public Utilities and Carriers in this docket (Division Set 2). A number of the Company's responses to Division Set 2 include confidential, competitively sensitive, and/or proprietary information. In particular, Attachment DIV 2-30-1 contains the precedent agreement between the Company and Northeast Energy Center, LLC, which is entirely confidential by its terms. Attachment DIV 2-4 contains customer names, addresses, and account information, which is sensitive customer-specific information that the Company does not ordinarily make

public to protect the privacy of its customers. The four attachments in response to Division 2-1 contain confidential nomination and confirmation quantities of gas, including Attachment DIV 2-1-1 (2015), Attachment DIV 2-1-2 (2016), Attachment DIV 2-1-3 (2017), and Attachment 2-1-4 (2018).

The Company's response to Division 2-28(d) contains confidential gas cost pricing information pursuant to terms of a contract. Many attachments contain confidential contractual pricing terms, including the following attachments: Attachment DIV 2-7-1 (2015), Attachment DIV 2-7-2 (2016), Attachment DIV 2-7-3 (2017), Attachment 2-7-4 (2018), Attachment DIV 2-14, Attachment DIV 2-15, Attachment DIV 2-17-1, Attachment DIV 2-18-1, Attachment DIV 2-19-1, Attachment DIV 2-20-1, Attachment DIV 2-22, Attachment DIV 2-23-1, Attachment DIV 2-24-2, Attachment DIV 2-25-1, and Attachment DIV 2-30-1. Finally, Attachment DIV 2-8 contains both confidential gas cost pricing information and the identities of third-party suppliers.

Therefore, the Company requests that, pursuant to Rule 1.3(H), the PUC afford confidential treatment to the information contained in the Company's response to Division 2-28(d) and the following attachments: (1) Attachment DIV 2-1-1 (2015), (2) Attachment DIV 2-1-2 (2016), (3) Attachment DIV 2-1-3 (2017), (4) Attachment 2-1-4 (2018), (5) Attachment DIV 2-4, (6) Attachment DIV 2-7-1 (2015), (7) Attachment DIV 2-7-2 (2016), (8) Attachment DIV 2-7-3 (2017), (9) Attachment 2-7-4 (2018), (10) Attachment DIV 2-8, (11) Attachment DIV 2-14, (12) Attachment DIV 2-15, (13) Attachment DIV 2-17-1, (14) Attachment DIV 2-18-1, (15) Attachment DIV 2-19-1, (16) Attachment DIV 2-20-1, (17) Attachment DIV 2-22, (18) Attachment DIV 2-23-1, (19) Attachment DIV 2-24-2, (20) Attachment DIV 2-25-1, and (21) Attachment DIV 2-30-1.

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

II. LEGAL STANDARD

Rule 1.3(H) of the PUC's Rules of Practice and Procedure 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 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). 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 as 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 the 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 Company's response to Division 2-28(d) and the attachments outlined above should be protected from public disclosure. By its terms, Attachment DIV 2-30-1 is a confidential contract between the Company and another party. Attachment DIV 2-4 includes customer-specific information that the Company ordinarily does not make public to protect the privacy of its customers. The Company's response to Division 2-28(d) and the following attachments include confidential gas cost pricing terms: Attachment DIV 2-7-1 (2015), Attachment DIV 2-7-2 (2016), Attachment DIV 2-7-3 (2017), Attachment 2-7-4 (2018), Division 2-8, Attachment DIV 2-14, Attachment DIV 2-15, Attachment DIV 2-17-1, Attachment DIV 2-18-1, Attachment DIV 2-19-1, Attachment DIV 2-20-1, Attachment DIV 2-22, Attachment DIV 2-23-1, Attachment DIV 2-24-2, Attachment DIV 2-25-1, and Attachment DIV 2-30-1. The pricing information provided is confidential and privileged information of the type that the Company does not ordinarily make public. Public disclosure of such information could impair the Company's ability to obtain advantageous pricing or other terms in the future, thereby causing substantial competitive harm. Accordingly, the Company is providing the above-referenced attachments and its response to Division 2-28 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 the information.

IV. CONCLUSION

For the foregoing reasons, the Company respectfully requests that the PUC grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

By its attorney,



Robert J. Humm, Esq. (#7920)

National Grid

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Dated: February 8, 2019