

March 13, 2019

BY HAND DELIVERY AND ELECTRONIC MAIL

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

**RE: Docket 4930 - 2019 Annual Retail Rate Filing
Response to Division Data Requests – Set 1
Confidential Excel Attachment to Division 1-1**

Dear Ms. Massaro:

On behalf of National Grid,¹ I have enclosed a confidential Excel file on a flash drive labeled as “NECO_Recs_SOS_2018.div.puc2” in response to Rhode Island Division of Public Utilities and Carriers (Division) Data Request 1-1 in the above-referenced matter.²

Please note that this is an update to the Excel file the Company included with its Annual Retail Rate filing, which the Company filed with the Rhode Island Public Utilities Commission (PUC) on February 15, 2019. These Excel files include a confidential file entitled “NECO_Recs_SOS_2018.div.puc2.” Pursuant to PUC Rule 810-RICR-00-00-1.3(H)(3) and R.I. Gen. Laws § 38-2-2(4)(B), the Company respectfully requests that the PUC treat the Excel file entitled, “NECO_Recs_SOS_2018.div.puc2” as confidential because it contains commercially sensitive information, the disclosure of which could affect the balance of wholesale markets and National Grid’s ability to negotiate competitive terms with its wholesale electric suppliers. This information is also the type of information that the PUC has historically recognized as proprietary information. The Company has, therefore, enclosed a motion for confidential treatment.

Thank you for your attention to this filing. If you have any questions, please contact me at 781-907-2121.

Very truly yours,



Raquel J. Webster

Enclosures

cc: Docket 4930 Service List
John Bell, Division
Al Mancini, Division
Leo Wold, Esq.

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

² The Company’s March 8, 2019 response to Division Data Request 1-1 did not include this Excel file; therefore, the Company is providing it with this letter.

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

2019 Annual Retail Rates Filing

Docket No. 4930

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

National Grid¹ respectfully requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment and grant protection from public disclosure certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by PUC Rule 810-RICR-00-00-1.3(H)(3) and R.I. Gen. Laws § 38-2-2(4)(B). National Grid also respectfully requests that, pending entry of that finding, the PUC preliminarily grant National Grid's request for confidential treatment pursuant to PUC Rule 810-RICR-00-00-1.3(H)(2).

I. BACKGROUND

On March 13, 2019, National Grid filed with the PUC a flash drive that contains an Excel file labeled as "NECO_Recs_SOS_2018.div.puc.2", which is responsive to the Rhode Island Division of Public Utilities and Carriers' (Division) Data Request 1-1 in this docket. The Excel file is an update to the Excel file the Company included with its Annual Retail Rate filing, which the Company filed with the PUC on February 15, 2019. The Company requests confidential treatment of the Excel file because it contains commercially sensitive market information, the disclosure of which could affect the balance of wholesale markets and National Grid's ability to

negotiate competitive terms with its wholesale electric suppliers. This information is also the type of information that the PUC has historically recognized as proprietary information.

II. LEGAL STANDARD

The PUC's PUC Rule 810-RICR-00-00-1.3(H)(1) 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 APRA to deem such information to be confidential and to protect that information from public disclosure.

Rhode Island General 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 likely (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).

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

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 Company requests confidential treatment of the excel file the Company submitted to the PUC on March 13, 2019 as responsive to Division Data Request 1-1 in this docket because the excel file, which constitutes the Company's work papers relating to its 2019 Annual Retail Rates filing, includes competitively sensitive information regarding commercial solicitations and details regarding the bids for such solicitations. Disclosing this information to the public could harm the competitiveness of the Company's solicitations and harm customers. For example, if the solicitation and bid details in the excel file were disclosed to the public, potential suppliers could learn details regarding the number of bidders in the Company's solicitations and offer less competitive bids. Similarly, potential suppliers could identify the lowest bids, which could result in them raising their bids in future requests for proposals. Both of these scenarios would harm the Company's customers. Indeed, the PUC has afforded confidential treatment to this exact type of information in the past.

IV. CONCLUSION

Accordingly, for the foregoing reasons, the Company respectfully requests that the PUC grant this motion for protective treatment of the confidential excel file included with its March 13, 2019 letter to the PUC in this docket.

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

Respectfully submitted,
NATIONAL GRID

By its attorney,



Raquel J. Webster (RI Bar #9064)
National Grid
40 Sylvan Road
Waltham, MA 02451
(781) 901-2121

Dated: March 13, 2019

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

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Respectfully submitted,
NATIONAL GRID

By its attorney,

A handwritten signature in blue ink, appearing to read "Raquel Webster", is positioned above a horizontal line.

Raquel J. Webster (RI Bar #9064)
National Grid
40 Sylvan Road
Waltham, MA 02451
(781) 901-2121

Dated: March 13, 2019