

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

IN RE: THE NARRAGANSETT ELECTRIC	:	
COMPANY d/b/a/ NATIONAL GRID's 2019	:	DOCKET 4954
RENEWABLE ENERGY (RE) GROWTH	:	DOCKET 4847
PROGRAM FACTOR FILING	:	

**PETITION OF THE DIVISION OF PUBLIC UTILITIES AND CARRIERS FOR
PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

The Division of Public Utilities and Carriers (Division) hereby requests that the Rhode Island Public Utilities Commission (PUC) provide confidential treatment and grant protection from public disclosure of certain confidential, sensitive, and proprietary information submitted in this proceeding, Docket 4954 and in Docket 4847, as permitted by PUC Rule 1.3(H) and R.I.G.L. § 38-2-2(4)(A)(I)(b). The Division also requests that, pending entry of findings pursuant to these provisions, the PUC preliminarily grant the Division and requests for confidential treatment pursuant to Rule 1.3 (H)(2).

I. BACKGROUND

On June 28, 2019, Narragansett Electric Company d/b/a National Grid (“National Grid” or “Company”) filed with the Public Utilities Commission (“Commission”) its annual Renewable Energy (“RE”) Growth Program Factor filing proposing RE Growth Factors and RE Growth Reconciliation Factors effective October 1, 2019. The filing was in accordance with R.I. Gen. Laws § 39-26.6-25 and National Grid tariff R.I.P.U.C. No. 2208, the *Renewable Energy*

Growth Program Cost Recovery Provision. On August 28, 2019 the Division filed a memo commenting on the proposed RE Growth Factors, the proposed RE Growth Reconciliation Factors, and reviewed the accuracy of the underlying calculations, and rendered an opinion on the Company's compliance with state law and the Commission approved tariff.

Previously, as part of the Commission's Order No. 23621 in Docket 4847, the 2018 Renewable Energy ("RE") Growth Program Factor filing which required and states in part "...the approval of the factors was conditioned upon PUC review of the results of the Division's investigation of the mis-enrolled project and any recommendations regarding recovery of performance-based incentive payments or disallowance of financial remuneration." See page 6 in the following document: [http://www.ripuc.org/eventsactions/docket/4847-NGrid-Ord23621%20\(6-27-19\).pdf](http://www.ripuc.org/eventsactions/docket/4847-NGrid-Ord23621%20(6-27-19).pdf).

Subsequently, following up on compliance with Order No. 23621, the Commission addressed two identical requests to the Division, one was a Data Request in the present Docket 4954 and the other a Post Hearing Data Request, in Docket 4847 requesting any correspondence issued on December 28, 2018 by William K. Lueker of the Division relating to the above issue.

The Division response to these two data requests contains confidential information about the customer who is the subject of the letter from William K. Lueker of the Division. The Division is filing the customer information which should be treated as confidential as set forth in the Attached December 28, 2018 Division Correspondence of William K. Lueker (the

“Confidential Information”). In this proceeding, the Division seeks protective treatment of this information to ensure protection of the Confidential Information personal information of this rate payer.

II. LEGAL STANDARD

The PUC’s Rule 1.3(H) provides that access to public records shall be granted in accordance with the Access to Public Records Act (APRA), R.I.G.L. §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.G.L. §38-2-2(4)(A)(I)(b). 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.

In that regard, R.I.G.L. §38-2-2(4)(A)(I)(b) provides that the following types of records shall not be deemed public:

Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 *et seq.*

As discussed further below, the Confidential Information here should be protected because the personal information of the customer is not

necessary for compliance with the Commission's order and would be an invasion of his or her privacy. Finally, the Division respectfully requests that the Commission issue an amended data requests redacting the name of the rate payer.

III. BASIS FOR CONFIDENTIALITY

The information contained in the un-redacted version of the Confidential Information contains confidential personal information, including the customer's name and address.

Release of the Confidential Information would cause the identity and address of the customer exposed to the public constituting an invasion of privacy. Further, the personal information is not relevant to the compliance with the order at issue here.

If this information is made public there is the potential to expose the names and addresses of all rate payers to the public. Accordingly, the Division requests protection from disclosure on the public record here of the information set forth in the un-redacted exhibits that are the subject matter of the aforesaid Motion.

IV. CONCLUSION

Accordingly, the Division requests that the PUC grant protective treatment above-listed Confidential Information.

WHEREFORE, the Division respectfully requests that the PUC grant its
Petition for Protective Treatment as stated herein.

State of Rhode Island
Division of Public Utilities and
Carriers

By its attorney,



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Dated: September 16, 2019

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of September, 2019, that I transmitted
an electronic copy of the within Petition to the attached service list and to Luly
Massaro, Commission Clerk via electronic mail and regular mail.



**Docket No. 4954 – National Grid – 2019 RE Growth Program Factor Filing
Service List updated 7/8/2019**

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