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February 16, 2021

Luly Massaro, Clerk  
RI Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: Providence Water Supply Board – Docket No. 4994

Dear Luly:

As you know, this office represents Providence Water Supply Board (Providence Water).

Enclosed please find an original and five copies of Providence Water's Motion for Confidential Treatment.

Thank you.

Very truly yours,



Michael R. McElroy

MRMc:tmg  
cc: Service List

**Docket No. 4994 - Providence Water Supply Board – General Rate Filing  
Service List updated 2/11/2021**

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STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION

IN RE: PROVIDENCE WATER SUPPLY BOARD : DOCKET No. 4994

PROVIDENCE WATER SUPPLY BOARD'S MOTION FOR  
PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION

Providence Water Supply Board ("Providence Water") hereby requests that the Rhode Island Public Utilities Commission ("Commission") allow for confidential treatment and grant protection from public disclosure of certain confidential, sensitive, and proprietary information that was inadvertently included in a filing made on behalf of Providence Water on February 11, 2021 entitled "Providence Water Supply Board – 100% Renewable Energy Goal" prepared by Clean Economy Development, LLC. The specific confidential information in the filing that should be protected and should not be publicly disclosed is on pages 5 and 6:

1. All account numbers shown on the National Grid bills and the NEPOOL account.
2. The Citibank account number on the invoice.

Please note that Providence Water plans to refile the 100% Renewable Energy Goal filing with the confidential account numbers redacted.

Providence Water also requests that, pending entry of a finding, the Commission preliminarily grant BIPCo's request for confidential treatment.

Commission Rule 1.3 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 the APRA, all documents and materials submitted in connection with the transaction of official business by an agency are deemed to be "public records," unless the information contained in such documents and materials falls within one or more of the exceptions specifically identified in R.I.G.L. § 38-2-2(4). Therefore, to the extent that information falls within one or more of the designated exceptions

to the public records law, the Commission has the authority under its Rules and 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.G.L. § 38-2-2(4)(B) provides that the following types of records shall not be deemed public:

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

Exemption (B) applies because the Rhode Island Supreme Court has held that where disclosure of information would be likely to cause harm to the person from whom the information was obtained, the information is protected confidential information. *Providence Journal Company v. Convention Center Authority*, 774 A.2d 40 (RI 2001).

The first prong of the confidential information test is satisfied when information is voluntarily provided to a government 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.

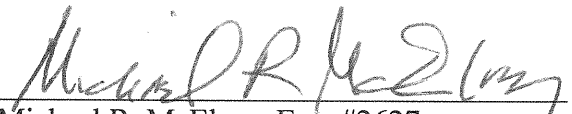
In addition, the Court has held that agencies making determinations as to the disclosure of information under the APRA may apply the balancing test established in *Providence Journal v. Kane*, 577 A.2d 661 (RI 1990). Under that balancing test, the Commission may protect information from public disclosure if the benefit of such protection outweighs the public interest inherent in disclosure of information pending before regulatory agencies.

Public disclosure of the account numbers that were inadvertently disclosed is not necessary to an evaluation by the Commission of the issues in this docket. Disclosure could have an adverse affect on Providence Water.

Accordingly, Providence Water respectfully requests that the Commission grant its Motion for Protective Treatment as stated herein.

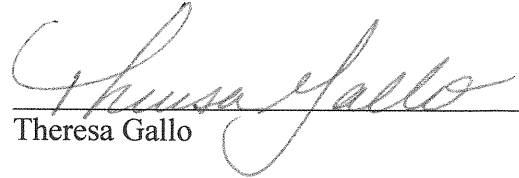
Respectfully submitted,  
PROVIDENCE WATER SUPPLY BOARD  
By its attorney

Dated: February 16, 2021

  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of February, 2021, I sent a copy of the foregoing to the attached service list.

  
Theresa Gallo

*PWSB/4994 Request for Protective Treatment*