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April 29, 2021

Luly E. Massaro, Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02889

Re: Block Island Utility District – Docket No. 5013

Dear Luly:


As you know, this office represents Block Island Utility District d/b/a Block Island Power Company (BIPCo).

Enclosed are an original and five copies of BIPCo's Responses to the Division's Second Set of Data Requests 2-4 and 2-5.

Also enclosed for filing under seal are an original and five confidential copies of BIPCo's Responses to the Division's Second Set of Data Requests 2-1, 2-2, and 2-3, for which BIPCo requests confidential treatment for the reasons set forth in BIPCo's enclosed Request for Protective Treatment of Confidential Information.

If you have any questions, please feel free to call.

Very truly yours,


Michael R. McElroy

MRMc:tmg
cc: Service List Docket No. 5013

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: BLOCK ISLAND UTILITY DISTRICT d/b/a : DOCKET No. 5013
BLOCK ISLAND POWER COMPANY :

**BLOCK ISLAND POWER COMPANY'S REQUEST FOR
PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

Block Island Power Company ("BIPCo") hereby requests that the Rhode Island Public Utilities Commission ("Commission") provide confidential treatment and grant protection from public disclosure of confidential, sensitive, and proprietary information contained in BIPCo's Responses to Division data requests 2-1, 2-2, and 2-3, as permitted by Commission Rule 1.3(H) and R.I.G.L. § 38-2-2(4)(B).

BIPCo also hereby requests that, pending entry of the finding, the Commission preliminarily grant BIPCo's request for confidential treatment pursuant to Rule 1.3(H).

I. LEGAL STANDARD

The Commission's 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.

II. BASIS FOR CONFIDENTIALITY

The Rhode Island Supreme Court has held that where disclosure of information would be likely to cause substantial harm to the competitive position of 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.

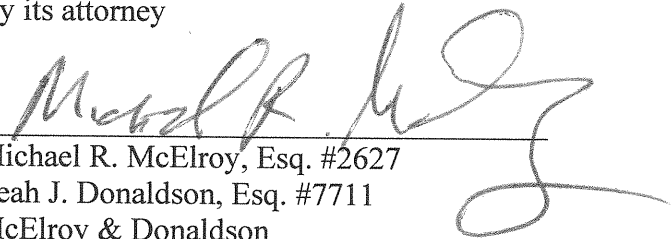
In addition, the Court has held that agencies making determinations as to the disclosure of information under the APRA may apply the balancing test established in *Providence Journal v. Kane*, 577 A.2d 661 (RI 1990). Under that balancing test, the Commission may protect information from public disclosure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

Public disclosure of vendor costs itemized in DIV 2-1, 2-2, and 2-3 is not necessary to an evaluation of the issues in this docket. Disclosure could have an adverse affect on our ability to obtain the best price for the various services set forth therein.

CONCLUSION

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

Respectfully submitted,
BLOCK ISLAND POWER COMPANY
By its attorney

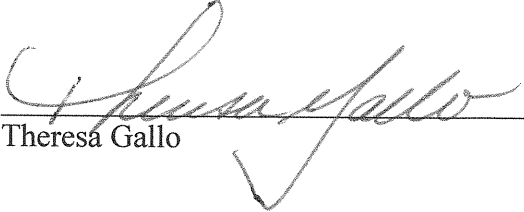


Dated: April 29, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of April, 2021, I sent a copy of the foregoing to the service list in Docket No. 5013.



Theresa Gallo

BIUD/5013 Procurement Plan/Request for Protective Treatment-2

Docket No. 4975 – Block Island Utility District – Rate Change Application
Docket No. 5013 – BIUD’s DSM Proposal **Service List as of 3/23/2020**

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File an original & nine (9) copies w/: Luly E. Massaro, Commission Clerk Cynthia Wilson Frias, Counsel Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Luly.massaro@puc.ri.gov;	401-780-2107
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**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: BLOCK ISLAND UTILITY DISTRICT
2021 DEMAND SIDE MANAGEMENT PLAN**

DOCKET NO. 5013

DIVISION'S SECOND SET OF DATA REQUESTS
ISSUED APRIL 22, 2021
(PLEASE RESPOND BY April 29, 2021)

Div. 2-1

In BIUD's answer to Div.1-3, (for which BIUD has requested confidential treatment), there is an inconsistency between the narrative answer and Div. 1-3 Attachment, under the category of pricing. Please correct the inconsistency in the answer. Please also explain in detail the basis for the change as set forth in Attachment 1-3.

RESPONSE:

See request to treat the responses to Question 1 as "Highly Confidential."

Div. 2-2

In BIUD's answer to Div.1-2, (for which BIUD has requested confidential treatment), please review the answer in Table 1 for Weatherization, specifically, the notes section, and confirm that there is an error in the notes as to the quantity. Please correct any error.

RESPONSE:

See request to treat the responses to Question 2 as "Highly Confidential."

Div. 2-3

In BIUD's answer to Div.1-2, (for which BIUD has requested confidential treatment), please review the "notes" section of the answer for the first budget category on the second page of Table 1. Please provide the estimated quantity and dollar value for each of the three measures in that line of the table.

RESPONSE:

See request to treat the responses to Question 3 as "Highly Confidential."

Div. 2-4

For direct install measures, please indicate whether or not the vendor is required to physically install power strips, LED lightbulbs, low-flow shower-heads, and aerator faucets in the customer's home or place or business, or whether the vendor is permitted to simply leave any of the direct install products with the customers for self-installation.

- a) If any product may be left for self-installation, please identify which ones and under what conditions this is permissible.
- b) If any product may be left for self-installation, please explain how it would be correct to count savings from such a product?

RESPONSE:

The vendor is expected to install each of the direct install measures offered through the program during the efficiency assessment.

The only case in which the vendor may leave direct install measures with the customer for self-installation is if the customer opts for a virtual audit. When customers receive a virtual audit, they will have the appropriate quantity of direct install measures, based on the virtual assessment, delivered to their property.

In instances in which direct install measures are sent to customers for self-installation, they have the option to either install them on their own or to schedule a more convenient, or safer, time for the vendor to come perform the installations for them. In any instances in which the customer opts to self-install these measures, savings would only be claimed after performing a QA/QC visit to ensure the measures were installed and operating as intended.

Response: Katherine Johnson

Div. 2-5

Please identify with specificity the nature and frequency of any reporting requirements for the EERMC.

RESPONSE:

We have interpreted the statute such that there is not a formal reporting requirement of BIUD to the EERMC.

The EERMC has previously received updates, roughly annually, on the energy efficiency work being conducted in the territories of each of the municipal utility districts in Rhode Island (BIUD and the Pascoag Utility District). Providing updates to the EERMC allows councilmembers to be aware of the efficiency work being conducted in other parts of the State. These updates also

provide an additional public forum for the efforts of these two municipal utility districts in supporting and developing energy efficiency to be recognized and receive feedback. Any reference made in the plan referencing BIUD reporting to the EERMC was simply to allow for those periodic updates to continue should the EERMC desire them.

Response: Kathern Johnson