

nationalgrid

November 19, 2019

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PUBLIC UTILITIES COMMISSION

**VIA HAND DELIVERY**

Luly E. Massaro, Division Clerk  
Rhode Island Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Docket No. D-17-45 – In Re: Review of National Grid (Narragansett Electric) Storm Preparedness and Restoration Efforts Related to the October 29-30, 2017 Storm - 2019 National Grid Rhode Island Electric Emergency Response Plan and 2019 National Grid Electric and Gas System Level Plan**

Dear Ms. Massaro:

To facilitate the Rhode Island Division of Public Utilities and Carriers' (the "Division") access to National Grid's<sup>1</sup> emergency response processes, I have enclosed for filing in the above-referenced docket the National Grid Rhode Island Electric Emergency Response Plan dated May 15, 2019 ("RI Electric ERP"). As there are occasional references to it in the RI Electric ERP, I also have enclosed for filing in the above-referenced docket the National Grid Electric and Gas System Level Plan dated May 15, 2019 (the "National Grid SLP").

The National Grid SLP describes corporate-level functions that fall under the responsibility of the System Incident Commander. These functions are intended to support restoration in multiple jurisdictions. The RI Electric ERP describes activities that fall under the responsibility of the Rhode Island Incident Commander. Each chapter of the RI Electric ERP contains an introduction that describes the triggers for that particular process and how the process is intended to interact with the National Grid SLP.

This filing includes a Motion for Protective Treatment of Confidential Information in accordance with 815-RICR-00-00-1.3(D) and R.I. Gen. Laws § 38-2-2(4)(B) of certain confidential information contained in the RI Electric ERP and the National Grid SLP. Accordingly, the Company has provided the Division with one complete, unredacted copy of each of the confidential documents in a sealed envelope marked, "**Contains Confidential and Privileged Materials - Do Not Release,**" and has included redacted copies of these documents for the public filing. The confidential versions of the RI Electric ERP and the National Grid SLP should not be posted to the electronic docket or otherwise be made available to the public.

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

Thank you for your attention to this matter. If you have any questions, please contact me at 781-907-2153.

Very truly yours,



Celia B. O'Brien

Enclosures

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS

In re: Review of National Grid  
(Narragansett Electric) Storm  
Preparedness and Restoration Efforts  
Related to the October 29-30, 2017 Storm

Docket No. D-17-45

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

National Grid<sup>1</sup> hereby requests that the Rhode Island Division of Public Utilities and Carriers (the "Division") provide confidential treatment and grant protection from public disclosure certain confidential, competitively sensitive, and/or proprietary information submitted by the Company in the above-captioned docket. As permitted by 815-RICR-00-00-1.3(D) and R.I. Gen. Laws § 38-2-2(4)(B), National Grid also hereby requests that, pending entry of that finding, the Division preliminarily grant National Grid's request for confidential treatment pursuant to 815-RICR-00-00-1.3(D)(2).

**I. BACKGROUND**

On November 12, 2019, the Company filed (1) the National Grid Rhode Island Electric Emergency Response Plan, dated May 15, 2019 (the "RI Electric ERP"), and (2) the National Grid Electric and Gas System Level Plan, dated May 15, 2019 (the "National Grid SLP") in this docket. The RI Electric ERP and the National Grid SLP contain sensitive, confidential, and/or proprietary information. Specifically, the Company seeks protection from public disclosure of the Company's Employee Assistance Program contact information contained in these documents, as well as sensitive personal contact information of individual employees and outside

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

contractors contained. Consequently, National Grid has provided both a redacted public version and an unredacted confidential version of both documents with its filing.

## II. LEGAL STANDARD

815-RICR-00-00-1.3(D)(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 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 Division falls within one of the designated exceptions to the public records law, the Division 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. 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 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). This test is satisfied when information is voluntarily provided to a 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 confidential information contained in the RI Electric ERP and the National Grid SLP is confidential information of the type that the Company ordinarily would not make public. Specifically, these documents contain a telephone number, a log-in code, and an e-mail contact for employees to use to request logistical assistance and/or counseling services for themselves or their families in event of injury or distress in an emergency. This information is not published in a directory open to the public but is for the dedicated use of the Company's employees and their families who may be adversely impacted in an emergency and require confidential counseling services or other logistical support or assistance. There is no countervailing public interest that would warrant disclosure of this sensitive contact information and redacting the information will not affect the substantive emergency response information provided. This information is intended to be private, confidential, and proprietary to National Grid and is not information that National Grid would ordinarily make public to third parties who are not invited to the meetings.

The RI Electric ERP also contains confidential employee and contractor contact information, including addresses and personal telephone numbers and email addresses, which should not be publicly disclosed to protect the individual's privacy. Specifically, the Company seeks protection from public disclosure of the following information: (1) list of contractors who assist in the Company's emergency response efforts; (2) contact information for Company employees who are assigned emergency response roles; (3) contact information for personnel at other utilities and the Company, to be used in connection with emergency response, and (4) the Company's Security telephone number. Furthermore, the dissemination of this type of information would be likely to cause substantial harm to the Company and the safety and reliability of the Company's provision of electric service to its customers because it would

disclose confidential information regarding National Grid's business practices and the operation of the electric system, as well as third party information that National Grid ordinarily would not make public.

**IV. CONCLUSION**

Accordingly, National Grid requests that the Division grant protective treatment to the above-described information contained in the RI Electric ERP and the National Grid SLP.

Respectfully submitted,

**NATIONAL GRID**  
By its attorney,



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Celia O'Brien  
Assistant General Counsel and Director  
National Grid  
40 Sylvan Road  
Waltham, MA 02451  
Tel. (781) 907-2153  
Celia.obrien@nationalgrid.com  
Dated: November 19, 2019