



plan and policy procedures”; and R-I-16, seeking “a system map and path of normal transmission line paths into Rhode Island.”

The attachments to the responses to R-I-2 and R-I-16 contain sensitive, confidential, and/or proprietary information. Consequently, National Grid has provided only the unredacted confidential versions at this time. The Company will provide the redacted public version of Attachment R-I-2 when it files the responses to the remaining requests from the Division’s first set of data requests.

## **II. LEGAL STANDARD**

Division Rule 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 Attachments R-I-2 and R-I-16 is confidential information of the type that the Company ordinarily would not make public. The dissemination of this type of information would be likely to cause substantial harm to the competitive position National Grid and the safety and reliability of National Grid's provision of electric service to its customers because it would disclose the confidential information regarding National Grid's business practices and the operation of the electric grid, 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 Attachments R-I-2 and R-I-16.

Respectfully submitted,

**NATIONAL GRID**

By its attorney,



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Dated: December 8, 2017



produced Attachment R-I-28 – an excel spreadsheet listing “the 911 calls and calls from non-911 callers reporting a wire condition received during the October 29-30, 2017 storm event.”

Attachment R-I-28 contains sensitive, confidential, and proprietary information. Specifically, Attachment R-I-28 includes address information for its customers. Consequently, National Grid has provided both an unredacted confidential version and a redacted public version of Attachment R-I-28.<sup>2</sup>

Additionally, data request R-I-6 seeks copies of “all internal storm assessments and predictions” completed prior to the storm’s initial impact. While the requested information is not itself confidential, Attachment R-I-6 in response to that request includes the passcode for the conference call number for National Grid’s internal meeting for its New England Operations Pre-Event Stage Briefing, which passcode is confidential and proprietary. As such, National Grid has provided both an unredacted confidential version and a redacted public version of Attachment R-I-6.

## **II. LEGAL STANDARD**

Division Rule 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

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<sup>2</sup> Both versions have been produced on CD-ROM as Excel files because the data on the Excel file is both (a) too voluminous, and (b) formatted in such a manner as to render conversion of the document to PDF format untenable.

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 customarily would 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 Attachments R-I-6 and R-I-28 is information of the type that the Company ordinarily would not make public. The information in Attachment R-I-6 is the internal conference call passcode for National Grid's internal New England Operations Pre-Event Stage Briefings. The passcode for these meetings 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. Furthermore, the dissemination of the type of information in Attachment R-I-28 has the potential to cause harm to National Grid's customers because it would disclose the customers' identifying and personal

information. Further, the information National Grid seeks to protect in Attachment R-I-28 is third party information that National Grid ordinarily would not make public.

**IV. CONCLUSION**

Accordingly, National Grid requests that the Division grant protective treatment to Attachments R-I-6 and R-I-28.

Respectfully submitted,

**NATIONAL GRID**

By its attorney,



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

	)	
	)	
In re: Review of National Grid	)	Docket No. D-17-45
(Narragansett Electric) Storm	)	
Preparedness and Restoration Efforts	)	
Related to the October 29-30, 2017 Storm	)	
	)	
	)	

**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 in its responses to the Division’s First Set of Data Requests to The Narragansett Electric Company d/b/a National Grid. As permitted by Division Rule 3(d)(2) 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 Rule 3(d)(2).

**I. BACKGROUND**

On November 22, 2017, the Division served National Grid with its first set of data requests in this matter, containing 41 separate requests. Subsequently, National Grid and the Division executed a Non-Disclosure Agreement pursuant to which the Division has agreed to protect the confidential nature of certain sensitive and proprietary information it will receive in connection with this docket. On January 10, 2018, National Grid filed responses to some of the data requests, including the response to data request R-I-29, seeking “a sectionalizing map for each circuit impacted.” To respond to this request, National Grid has produced a screen shot of

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

the three-phase mainline for each circuit from National Grid’s Energy Management System used by the Distribution Control Center. This information produced in Attachment R-I-29 is sensitive, confidential, and proprietary. Consequently, National Grid has provided both an unredacted confidential version of its response to Data Request R-I-29, including Attachment R-I-29, and a redacted public version of its response to Data Request R-I-29.

## **II. LEGAL STANDARD**

Division Rule 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 customarily would 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 Attachment R-I-29 is confidential information of the type that the Company ordinarily would not make public. The dissemination of this type of information would be likely to cause substantial harm to the competitive position National Grid and the safety and reliability of National Grid's provision of electric service to its customers because it would disclose the confidential information regarding National Grid's operation of the electric grid.

### **IV. CONCLUSION**

Accordingly, National Grid requests that the Division grant protective treatment to Attachment R-I-29.

Respectfully submitted,

**NATIONAL GRID**

By its attorney,



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produced Attachment R-I-5, which includes the pertinent emails. While the emails themselves are not confidential, many of the emails in Attachment R-I-5 contain sensitive, confidential, and/or proprietary information relating to internal National Grid passcodes and employees' personal contact information. Not only is such information sensitive and confidential, but it is also not relevant to the response.

Additionally, data request R-I-15 seeks copies of "a system map indicating the location of all impacted transmission lines, sub-transmission lines, substations, and distribution circuits" for each of National Grid's regions. The maps provided at Attachment R-I-15-1 and Attachment R-I-15-2 are sensitive, confidential, and proprietary. Consequently, National Grid has provided both unredacted confidential versions of its response to Data Request R-I-15, including Attachment R-I-15-1 and Attachment R-I-15-2, and a redacted version of its response to Data Request R-I-15.

## **II. LEGAL STANDARD**

Division Rule 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 customarily would 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 Attachment R-I-5, Attachment R-I-15-1, and Attachment R-I-15-2 is information of the type that National Grid ordinarily would not make public. The information in Attachment R-I-5 contains, *inter alia*, internal National Grid passcodes and employees' personal contact information. This information is intended to be private, confidential, and proprietary to National Grid and its employees, and is not information that National Grid would ordinarily make public to third parties. Additionally, the dissemination of the type of information in Attachment R-I-15-1 and Attachment R-I-15-2 would be likely to cause substantial harm to the competitive position of National Grid and the safety and reliability of National Grid's provision of electric service to its customers because it would disclose confidential information regarding the location of the electric grid.

**IV. CONCLUSION**

Accordingly, National Grid requests that the Division grant protective treatment to Attachment R-I-5, Attachment R-I-15-1, and Attachment R-I-15-2.

Respectfully submitted,

**NATIONAL GRID**

By its attorney,

A handwritten signature in blue ink, appearing to be 'RH', with a long horizontal flourish extending to the right.

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