

November 20, 2012

VIA ELECTRONIC FILING

Ms. Donna Giliberto, Esq.
Records Access Officer
State of New York Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Re: Case 12-E-0136 – Petition of Dunkirk Power LLC and NRG Energy, Inc. for Waiver of Generator Retirement Requirements

**REQUEST OF NIAGARA MOHAWK POWER CORPORATION
d/b/a NATIONAL GRID FOR PROTECTION OF CONFIDENTIAL
INFORMATION**

ATTACHMENTS CONTAIN CONFIDENTIAL INFORMATION

Dear Ms. Giliberto:

Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid” or the “Company”) respectfully requests protection of critical infrastructure information pursuant to Sections 87(2) and 89(5)(a) of the Public Officers Law, Pub. Off. L. §§ 87(2) (f), and 89(5)(a)(1-a), and Section 6-1.3 of the Commission’s Rules, 16 N.Y.C.R.R. § 6-1.3. The information for which the Company seeks protection from disclosure (the “Confidential Information”) is contained in responses to the following information requests (“IRs”) from Department of Public Service Staff:

DPS-2 (JJA-2),
DPS-3 (JJA-3),
DPS-4 (JJA-4),
DPS-11 (JJA-11), and
DPS-14 (JJA-14).

The subject IRs relate to National Grid’s evaluation of reliability needs and system vulnerabilities associated with the proposed mothballing of the Dunkirk Power LLC (“Dunkirk”) generating facilities.

Critical Infrastructure includes “systems, assets, places or things, whether physical or virtual, so vital to the state that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare or security of the state, its residents or its economy.” NY Pub. Off. L. § 86(5). Critical Infrastructure Information (“CII”) is excepted from disclosure under the Public Officers Law and the Commission’s Rules. NY Pub. Off. L. § 87(2)(f) and 16 N.Y.C.R.R. § 6-1.3(b).

National Grid submits that the Confidential Information qualifies for protection as CII and is therefore exempt from disclosure to the public. The Confidential Information includes information regarding electric system vulnerabilities under different operating conditions and contingencies. Disclosing such information would highlight important system assets the disruption of which could have significant adverse effects on electric service and reliability in western New York and jeopardize the health, safety, welfare or security of the state, its residents or its economy. Accordingly, National Grid respectfully requests that the Confidential Information be exempted from public disclosure and granted CII status pursuant to Section 6-1.3 of the Commission's Rules.

Responses to the confidential IRs have been provided directly to DPS Staff with direction that they are to treat the materials as confidential in accordance with the Commission's rules absent a contrary determination by your office or the Commission. Redacted versions of the IR responses have been provided to all other persons on the active parties list in this proceeding.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Carlos A. Gavilondo
Carlos A. Gavilondo

cc: Service List Case 12-E-0136 (letter only, via DMM)
David Drexler