



Noelle M. Kinsch
Deputy General Counsel

February 26, 2013

VIA E-MAIL

recordsaccessofficer@dps.ny.gov

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

Re: Cases 11-M-0595 and 11-M-0481 – Hurricane Irene, Tropical Storm Lee and the October 2011 Nor'easter Storm Recommendations – Request for Protection from Public Disclosure

Dear Ms. Giliberto:

Pursuant to Section 6-1.3 of the New York State Public Service Commission's ("Commission") regulations, New York State Electric & Gas Corporation ("NYSEG") and Rochester Gas and Electric Corporation ("RGE" and together with NYSEG, the "Companies") hereby respectfully request confidential commercial information status for certain information contained in the Companies' response to Department of Public Service Staff information request STORM-13-002 in the above-referenced cases. In specific, the requested information relates to safety check logs used by the Companies during Hurricane Sandy. The logs contain specific, personal information about customers (the "Confidential Information"). A copy of the Confidential Information is attached hereto.

Section 87(2) of the New York State Public Officers Law ("POL") states in relevant part that an agency may deny access to records or portions thereof that "if disclosed would constitute an unwarranted invasion of personal privacy." N.Y. Pub. Off. Law § 87(2)(b) (McKinney 2011). In Empire Realty Corp. v. New York State Div. of Lottery, the court found that "what constitutes unwarranted invasion of personal privacy is measured by what would be offensive and objectionable to a reasonable person of ordinary sensibilities. This determination requires balancing the competing interests of public access and individual privacy." Empire Realty Corp. v. New York State Div. of Lottery, 230 A.D.2d 270 (3rd Dep't 1997).

The Confidential Information includes customer names, telephone numbers and other personal information. Customers would not expect this information to be disclosed to the public. As a general matter, the Companies do not disclose this type of information to the public. Accordingly, such information should be exempted from public disclosure.

One Commerce Plaza, Suite 2018, Albany, NY 12210
Telephone 518.434.4977, Fax 518.434.5989



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If you have any questions regarding this filing, please contact me at 518-434-4977.

Respectfully submitted,

A handwritten signature in blue ink that reads "Noelle M. Kinsch".

Noelle M. Kinsch
Deputy General Counsel

Enclosure

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