

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

<p>The Connecticut Light and Power Company d/b/a Eversource Energy application for a Certificate of Environmental Compatibility and Public Need for the Southwest Connecticut Reliability Project that traverses the municipalities of Bethel, Danbury, and Brookfield, which consists of (a) construction, maintenance and operation of a new 115-kV overhead electric transmission line entirely within existing Eversource right-of-way and associated facilities extending approximately 3.4 miles between Eversource's existing Plumtree Substation in the Town of Bethel to its existing Brookfield Junction in the Town of Brookfield; (b) reconfiguration of two existing 115-kV double-circuit electric transmission lines at Eversource's existing Stony Hill Substation in the Town of Brookfield; and (c) related substation modifications.</p>	<p>Docket No. 468</p> <p>March 18, 2019</p>
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**PROTECTIVE ORDER RE:
PROPRIETARY INFORMATION**

On March 18, 2019, Eversource Energy (Eversource) filed in the above-captioned Docket the Southwest Connecticut Reliability Project Final Report with component cost information in item a. - c. of Attachment 5 to the Final Report (Component Costs).

Eversource asserts that the Component Costs contain proprietary information (PI), and has requested that a protective scheme be implemented for this data, and for such other PI as Eversource may be required to file in this Docket. The Council has defined PI as "any information that may be exempt from public disclosure under the Freedom of Information Act (FOIA), C.G.S. §1-210(b)."

Eversource maintains that protecting such proprietary information from disclosure is consistent with the policies of FERC and ISO-NE; that its release would be damaging to Eversource's interests and the public interest; and that such information is exempt from disclosure under the state Freedom of Information Act pursuant to section 1-210(b)(5)(A) of the Connecticut General Statutes.

Accordingly, it is

ORDERED

1. Until this Order is modified, access to the PI shall be limited as described in Paragraph 4 below.
2. That the PI and such information designated as PI as Eversource shall hereafter file in this Docket shall, unless removed from the coverage of this Order as provided in Paragraph 3 below, be and remain confidential. PI shall not be disclosed for any purpose other than the purposes of this proceeding, and then solely in accordance with this Order. No person to whom access to PI is accorded pursuant to Paragraph 4 of this Order shall disclose or reveal, directly or indirectly, the content of the PI to others, except as provided in Paragraph 4.
3. That the parties and intervenors to whom PI is furnished may challenge designation of any documents or other information as confidential by motion to the Council and upon reasonable prior notice to the parties and an opportunity for hearing. Upon the entry of an order granting such a motion, the provisions and restrictions of this Order shall cease to bind any party or other person with respect to the documents or information that the Order granting the motion shall have expressly and clearly removed from the coverage of this Order.
4. That, until this Order is modified, access to PI filed in this proceeding shall be limited to: (i) the Council and its staff; (ii) parties and intervenors in this proceeding, and their counsel, who have agreed to be bound by this protective order; (iii) a consultant engaged for the purpose of this proceeding for one of the foregoing persons or entities; and (iv) a stenographer or reporter recording any hearing in connection with this proceeding as part of the official record of the proceeding.

Any such recipient of PI shall agree to use the PI solely for the purposes of this proceeding and not disclose the information to any other person. Each person within an entity or organization must complete a PI Request Form and Non-Disclosure Agreement, similar to the forms attached.
5. That no copies of PI furnished by Eversource shall be circulated to persons other than those persons who are authorized under Paragraph 4 of this Order to obtain PI. Documents offered in evidence may be copied as necessary for that purpose. Persons authorized under Paragraph 4 hereof also may take such notes as may be necessary solely for the purposes of this proceeding. Those notes shall also be treated as PI. Although a person authorized to obtain PI may use the information as foundation for advice to his or her employer or clients, s/he may only discuss the PI with or disclose PI to another person authorized to receive identical PI.
6. All materials claimed by Eversource to be PI under the terms of this Order shall be clearly marked "Proprietary Information" by Eversource, and shall bear an


appropriate legend identifying them as such. When PI is intermixed with other materials, it must be securely redacted, and the redaction must be accompanied by a notation: "Confidential Proprietary Information." Each volume or document that contains such redactions shall include a prominent explanatory legend: Faxed materials should be marked as any other confidential document. With regard to other media, diskettes should be marked "Confidential Proprietary Information" on the outside and each file on the diskette should be similarly identified. Materials produced electronically shall be marked "confidential" and access to electronically-produced confidential materials shall be limited accordingly to the terms and limitations provided in this Order. Any person or party subject to the terms of this Order who receives unmarked documents or materials which s/he believes Eversource intended to be protected by the terms of this Order, and that would have been protected if marked in accordance with this paragraph, shall make a good faith effort to notify Eversource of this fact and to avoid use of such documents or materials in a manner inconsistent with protection of such material under this Order.

7. That the restrictions upon, and obligations accruing to, persons who become subject to this Order shall not apply to any PI submitted in accordance with Paragraph 1 of this Order if the Council rules, after reasonable notice and hearing, that the PI was publicly known at the time it was furnished or has since become publicly known through no fault of the receiving party.
8. That where reference to PI is required in pleadings, briefs, other legal documents, or argument, the reference shall be by citation of title or exhibit number only or by some other non-confidential description to the extent possible. In those circumstances, counsel shall make every reasonable effort to preserve the confidentiality of material in the sealed record. If counsel shall include PI in pleadings, briefs, other legal documents, or arguments, that portion of the documents or that portion of the transcript of the argument containing PI shall be maintained under seal.
9. That the Council may draw upon all PI in the record in the deliberation of any decision or order that it may issue, but will avoid the reproduction in its decision of any PI.
10. That should any appeal of, or other challenge to, the Council's decision in this proceeding be taken, any portions of the record that have been sealed in accordance with Paragraph 6 above shall be forwarded to the courts of this State or other court having subject matter jurisdiction, in accordance with applicable law and procedures, under such protective order as may be entered by the court.
11. That PI made available pursuant to this Order and made part of the record in any proceeding before the Council shall remain in the possession of the Council, under seal, and subject to the protective requirements of this Order, until this Council shall otherwise order.

12. That this Order may be modified on motion of any party or on the Council's own motion upon reasonable prior notice to the parties and an opportunity for hearing.
13. Copies of PI and documents, notes and other materials containing or reflecting, directly or indirectly, the PI, that are in possession of the Council's members, counsel or employees may be retained by those persons for the purpose of performing those persons' duties and obligations. If retained, the PI shall be subject to this Protective Order or to a protective order issued in another proceeding in which the PI is used. If such a member, counsel or employee of the Council does not retain the PI, that person shall destroy it as provided in this paragraph. When the Council determines that any PI is no longer required for its work, it shall destroy the material. All parties and intervenors to whom PI has been made available in the proceeding, their counsel and retained experts, shall destroy all documents, notes and other materials containing or reflecting, directly or indirectly, the PI. Audio, video or other such magnetically recorded materials shall be electronically erased before disposal. Paper documents shall be shredded.

SO ORDERED:

CONNECTICUT SITING COUNCIL

BY 
Melanie A. Bachuan
Executive Director

Dated: March 28, 2019

**NON-DISCLOSURE AGREEMENT WITH
AGREEMENT TO BE BOUND BY THE
TERMS OF THE PROTECTIVE ORDER**

The undersigned hereby acknowledges review of the Protective Order filed on March 18, 2019 in Docket No. 468 before the Connecticut Siting Council, and hereby agrees to abide by the terms thereof, in exchange for receipt of:

Connecticut Siting Council Docket 468, Southwest Connecticut Reliability Project Final Report, Component Cost items a. – c. in Attachment 5.

Any additional material to be filed in this Docket for which proprietary information status is claimed by Eversource.

Recipient: _____

Date: _____

**REQUEST FOR PROPRIETARY INFORMATION
PURSUANT TO PROTECTIVE ORDER**

1. This form must be accompanied by an original signed Non-Disclosure Agreement or a Subscription to a Protective Order entered in an administrative proceeding, if you are a party or intervenor in an administrative proceeding and are not employed by the Independent System Operator, New England (ISO-NE) or a federal or state agency. If you have already signed a Proprietary Information Non-Disclosure Agreement, please provide the date: _____

2. The undersigned requests the following information:

Connecticut Siting Council Docket No. 468 Southwest Connecticut Reliability Project, Unredacted Attachment 5 to Final Report

Any additional material to be filed in this Docket for which confidential proprietary information or CEII status is claimed by Eversource.

3. The undersigned is:

a party or intervenor in the proceeding identified in paragraph 3, having been admitted as such on _____.

an employee of ISO-NE or another independent system operator or regional transmission organization in North America

a state agency employee

a federal agency employee

an employee of the electricity reliability organization or regional entity

an employee of a transmission owner in another control area

a consultant of one of the entities listed above who has been retained to provide advice regarding the matter described in no. 5 below

4. Give the name of your employer and your title: _____

5. The undersigned represents warrants and agrees that the information is to be used solely for the following purpose [describe in detail]: _____

6. If you are a consultant, provide the name and contact information of an individual at the organization that has retained you so that we may verify your role: _____

I acknowledge that the foregoing is true and accurate, and agree to give Eversource Energy Service Company immediate notice if any of the foregoing is no longer true. I also consent to Eversource Energy Service Company and its affiliated companies sharing the fact that this request has been made and/or granted, and agree that Eversource Energy Service Company and its parent and affiliated companies shall have no liability to me in connection with this request.

Signature: _____ Name (please print): _____

Organization: _____ Business Address: _____

Email: _____ Phone: _____

Fax: _____ Date: _____