

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**GROTON UTILITIES PETITION FOR A
DECLARATORY RULING THAT NO
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED IS
REQUIRED FOR THE 1410/400/1280 LINE
STRUCTURE REPLACEMENT PROJECT**

PROTECTIVE ORDER

WHEREAS, Groton Utilities is providing information to the Connecticut Siting Council in support of its Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public need is required for modification to Groton Utilities' 1410/400/1280 transmission lines, which information would, in the opinion of Groton Utilities, result in the disclosure of Critical Energy Infrastructure Information as defined by the Federal Energy Regulatory Commission¹ and ISO-NE.

WHEREAS, Groton Utilities desires to protect such information from disclosure to the public.

NOW THEREFORE, it is hereby ordered that the following procedure is adopted for the protection of the information ("CEII") provided by Groton Utilities:

1. All Confidential Information provided by Groton Utilities, whether in document form or otherwise, shall be identified essentially as follows: Petition No. 1436 CEII Confidential Information and will be governed by the terms of this Protective Order ("Order"). The Order is applicable to all such CEII Confidential Information, whether in the form of documents, testimony, studies or otherwise.
2. All Confidential Information made available pursuant to the Order shall be provided to the Chairperson, Council and staff of Council upon execution of the Acknowledgment referenced below. Consultants retained by Council shall also be provided with the Confidential Information upon their becoming signatories to the Order and executing the Non-Disclosure Agreement, attached hereto as Exhibit 1 ("Signatories"). Upon a showing of good cause, Council may place additional restriction upon the access to Confidential Information given to certain parties and intervenors.

¹ CEII is defined by the Federal Regulatory Commission (FERC) as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act; and (4) does not simply give the general location of the critical infrastructure." 18 CFR § 388.113(c)(2).

3. Chairperson, Council and staff of Council are bound by the terms of this Order. Signatories to this Protective Order agree to be bound by its terms and shall not use the Confidential Information except for the purposes of this proceeding. All parties and intervenors, including consultants, in receipt of the Confidential Information shall neither use nor disclose the Confidential Information for any purpose, other than for the preparation for and conduct of this proceeding and shall in good faith take all reasonable precautions to keep the Confidential Information secure in accordance with the purposes and intent of this Order.
4. CEII Confidential Information shall be marked as such and delivered in a sealed envelope to the Council.
5. Any CEII Confidential Information made available pursuant to this Protective Order shall be part of the record in this proceeding, subject to the conditions stated in Paragraphs 6 and 7.
6. If Confidential Information is used in any manner in any interrogatory, letter, petition, brief or other writing ("Document"), all references to the Confidential Information in the Document shall be either: (1) in a separate document prominently labeled, "Confidential Information", which Document shall be safeguarded in accordance with this Protective Order and distributed only to Authorized Recipients; or (ii) solely referenced by title or exhibit, in a manner reasonably calculated not to disclose the Confidential Information.
7. Nothing herein shall be construed as a final determination that any of the Confidential Information will be admissible as substantive evidence in this proceeding or at any hearing or trial. Moreover, nothing herein shall be considered a waiver or grounds for any entity to assert at a later date that the material is or is not proprietary or privileged. No information protected by this Protective Order shall be made public. If the Council rules that some or all of said CEII or Confidential Information should not be subject to the protections herein, said materials shall not be disclosed, but rather shall be returned immediately to Groton Utilities.
8. If Confidential Information is disclosed to any person other than in the manner authorized by this Protective Order, the party responsible for such disclosure shall immediately upon learning of the disclosure inform the Petitioner of all pertinent facts relating to such disclosure and shall make every effort to prevent disclosure by each unauthorized person who received such information.
9. Confidential Information made part of the record in this proceeding shall remain in the possession of the Authorized Recipients who have agreed to be bound by the instant Order until returned or destroyed. However, all other copies of such Confidential Information shall be returned to Groton Utilities.

SO ORDERED: CONNECTICUT SITING COUNCIL

By Melanie Bachman
Melanie Bachman
Executive Director

Dated: November 5, 2020.