

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

The United Illuminating Company (UI) application for a : Docket No. 508
Certificate of Environmental Compatibility and Public :
Need for the Milvon to West River Railroad :
Transmission Line 115-kV Rebuild Project that consists :
of the relocation and rebuild of its existing 115- kilovolt :
(kV) electric transmission lines from the railroad :
catenary structures to new steel monopole structures :
and related modifications to facilitate interconnection of :
the rebuilt 115-kV electric transmission lines at UI's :
existing Milvon, Woodmont, Allings Crossing, Elmwest :
and West River substations along approximately 9.5 :
miles of the Connecticut Department of Transportation's :
Metro-North Railroad corridor traversing the :
municipalities of Milford, Orange, West Haven and New :
Haven, Connecticut. : April 13, 2023

MOTION OF THE UNITED ILLUMINATING COMPANY
FOR PROTECTIVE ORDER

The United Illuminating Company (“UI” or the “Company”) respectfully moves the Connecticut Siting Council (the “Council”) for a Protective Order in the above-captioned docket to ensure that certain attachments in the Development and Management (“D&M”) Plan for the Milvon to West River Railroad Transmission Line 115-kV Rebuild Project (“Project”), filed contemporaneously herewith, are not subject to public disclosure pursuant to Conn. Gen. Stat. § 1 -210(b) and Regulations of Connecticut State Agencies § 16-50j-22a(d)(1).

Attachment I.1 and Attachment I.2 of the D&M Plan describe the seasonal construction restrictions in identified species habitats and the location of herpetological exclusionary fencing (the “Confidential Information”). This information was prepared by UI, in conjunction with various biological professionals, including a herpetologist, to

ensure that the appropriate measures will be taken during the design, construction and operation of the Project to protect and avoid adverse impacts to endangered, threatened, and special concern species, as well as significant natural communities in Connecticut.

In accordance with Conn. Gen. Stat. § 1-210(b), the Council is authorized to protect from public disclosure “trade secrets,” which for purposes of the Freedom of Information Act are defined as information, including compilations and drawings “that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy.” Conn. Gen. Stat. § 1-210(b)(5)(A). Accordingly, historically the Council has granted confidential status to compilations prepared by third-party environmental consultants that evaluated different aspects of a project, and which other persons could obtain economic value from its disclosure or use. See Petition No. 1310A, Quinebaug Solar, LLC, Council Decision on Motion for Protective Order, December 6, 2019 (granting a protective order to a Phase II Cultural Resources Report, specifically, the locations of identified cultural resources contained within the project site). See *also* Petition No. 1312, Candlewood Solar, LLC, Council Decision on Motion for Protective Order, April 24, 2020 (granting a protective order to Phase II related testing and evaluation information, including the location and character of identified cultural resources).

The Confidential Information contains compilations and maps prepared by UI and their consultants about the Project that qualifies as trade secrets from which economic value can be derived from its disclosure or use, and thus, should be exempt from public

disclosure. In addition, and as further explained in the Affidavit of Paul Kenline, the Confidential Information contains highly sensitive information that in UI's opinion, if disclosed could jeopardize the safety and wellbeing of the identified endangered, threatened, and special concern species, and the preservation of significant natural communities. More specifically, if the precise location of these species and/or their habitats were to become publicly known, there would be an increased risk for the illegal capturing of these species, which would exacerbate their already precarious living conditions. For this reason, to protect and avoid adverse impacts to these species and/or these habitats, UI protects the Confidential Information from public disclosure.

Lastly, neither federal nor Connecticut law require that the Company make this information publicly available. Consequently, the necessity of withholding public disclosure of the information outweighs the public interest in such disclosure.

For the foregoing reasons, UI respectfully moves that the Council grant the Company's Motion for Protective Order.

Respectfully submitted,

THE UNITED ILLUMINATING COMPANY

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