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April 25, 2023

Via E-Mail and Hand Delivery

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket Number 514 - Glenvale LLC Application for a Certificate of Environmental Compatibility and Public Need for the Construction, Operation and Maintenance of a 4.0 MWAC Solar Photovoltaic Project at 56 River Road in Putnam, Connecticut

Dear Ms. Bachman:

I am writing on behalf of my client, Glenvale LLC, which is submitting the enclosed Responses to the Pre-Hearing Set One Interrogatories that were directed to Glenvale LLC by the Siting Council on April 4, 2023. I am enclosing an original and fifteen copies of the Responses to the Interrogatories.

I am also enclosing a Motion for Protective Order related to a purchase and sale agreement that is being provided to the Council in response to Responses 8 and 9 and is referenced as Exhibit B to these Interrogatory Responses. One copy of Exhibit B is being provided in a sealed envelope (no electronic copy will be filed, and the Motion for Protective Order is attached to that envelope.

Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman

Enclosures

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

Glenvale, LLC d/b/a Glenvale Solar application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.0-megawatt-AC solar photovoltaic electric generating facility located at 56 River Road, Putnam, Connecticut and associated electric interconnection

Docket No. 514

April 25, 2023

GLENVALE, LLC /d/b/a GLENVALE SOLAR'S MOTION FOR PROTECTIVE ORDER

1. Glenvale, LLC d/b/a Glenvale Solar (“Glenvale Solar” or the “Applicant”) respectfully moves the Connecticut Siting Council (the “Council”) for a protective order in the above-referenced proceeding for certain information that Glenvale Solar is supplying to the Council in connection with its April 25, 2023, 2020 responses (the “Responses”) Pre-Hearing Set One Interrogatories that were directed to Glenvale, LLC by the Connecticut Siting Council on April 4, 2023.
2. Specifically, Glenvale Solar seeks to protect from public disclosure non-public information regarding financial information (the “Confidential Information”) for the Project. Responses can be released to the public without disclosing the Confidential Information. As indicated in the responses to Interrogatories 8 and 9, the Project site is under a purchase and sale agreement between the landowner and the Project company, and this sale is planned to close prior to the start of construction.
3. Under Connecticut Law, the Council is authorized to protect trade secrets from public disclosure. *See* Conn. Gen. Stat. § 1-210(b). Trade secrets are defined as information, including

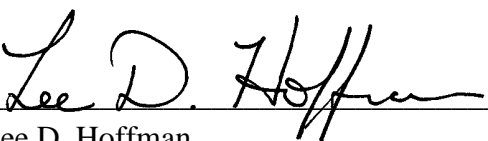
formulas, compilations, and cost data that “...(i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy” and “[c]ommercial or financial information given in confidence, not required by statute.” Conn. Gen. Stat. § 1-210(b)(5)(A) and Conn. Gen. Stat. § 1-210(b)(5)(B). Lastly, the Council is prohibited from disclosing “records, tax returns, reports and statements exempted by federal law.” Conn. Gen. Stat. § 1-210(b)(10); *see* 26 U.S.C. § 6103(a) (“Returns and return information shall be confidential...”).

4. Accordingly, the Confidential Information constitutes commercial or financial information given in confidence and is exempt from disclosure under both state and federal law. *See, e.g.*, 5 U.S.C. § 552; Conn. Gen. Stat. § 1-210.
5. The Confidential Information is confidential and proprietary to the Applicant. Public disclosure of would harm Glenvale Solar’s ability to compete in this very competitive energy market. As such, Glenvale Solar considers this information to be “trade secrets” and protects this information from public disclosure.
6. The Confidential Information consists of a purchase and sale agreement for the Project Site between Glenvale and the property owner. As explained in the response to Interrogatory 8, the closing of the sale has yet to be consummated, so there is no public information available on the sale. This Confidential Information contains commercial terms regarding the purchase of the Project Site and could be used by Glenvale’s competitors to better determine how Glenvale accomplishes its projects. Given that Glenvale routinely competes against other solar

developers to obtain contracts under Connecticut's various tariff programs, Glenvale could be put at a competitive disadvantage if such information, including purchase price and contract terms, were to be made public. Glenvale is including a copy of this purchase and sale agreement with this protective order.

7. If the Council finds that any of the Confidential Information should not be subject to a Protective Order, Glenvale Solar respectfully requests that the information be returned or destroyed and that it not be publicly disclosed. As noted above, this information has commercial value to Gravel Pit Solar in the context of the energy and construction markets which would be compromised if it were to be disclosed.
8. It is in the opinion of Glenvale Solar that, in this case, the necessity of withholding public disclosure of this information outweighs the public interest in such disclosure.
9. For the above reasons, Glenvale Solar respectfully requests that the Council grant this Motion for Protective Order.

RESPECTFULLY SUBMITTED,
GLENVALE SOLAR

By: 

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