

**CONNECTICUT SITING COUNCIL**

RE: : DOCKET NO. 516  
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:  
Application submitted by the United :  
Illuminating Company for a Certificate of :  
Environmental Compatibility and Public Need :  
for the Fairfield to Congress 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 along approximately 7.3 :  
miles of the Connecticut Department of :  
Transportation's Metro-North Railroad :  
corridor between Structure B648S located :  
east of Sasco Creek in Fairfield and UI's :  
Congress Street Substation in Bridgeport, :  
and the rebuild of two existing 115-kV :  
transmission lines along 0.23 mile of existing :  
UI right-of-way to facilitate interconnection :  
of the rebuilt 115-kV electric transmission :  
lines at UI's existing Ash Creek, Resco, :  
Pequonnock and Congress Street Substations :  
traversing the municipalities of Bridgeport :  
and Fairfield :

OCTOBER 3, 2023

**PROTECTIVE ORDER**

**WHEREAS**, BJ's Wholesale Club, Inc. ("BWC") is willing to submit (1) an unredacted copy of a certain log that illustrates ninety (90) consecutive days of trucking activity at BWC's loading dock located at 40 Black Rock Turnpike, Fairfield, Connecticut; and (2) a certain site plan for a proposed gas station at BWC's property (collectively the "Confidential Information") in connection with the above-referenced application;

**WHEREAS**, BWC considers the Confidential Information to be commercially valuable, confidential, market-sensitive and proprietary information that BWC has used its best efforts to keep secret prior to the above-referenced date;

**WHEREAS**, BWC has indicated its willingness to provide the Confidential Information solely to the Connecticut Siting Council (the "Council") and counsel for the United Illuminating Company ("UI"), subject to the Council's simultaneous issuance of a Protective Order;

**NOW, THEREFORE**, it is hereby ordered, that the following procedure is adopted for the protection of the Confidential Information:

1. The Confidential Information, whether in the form of documents, data, testimony or otherwise, shall be governed and utilized pursuant to the terms of this Protective Order. The Confidential Information shall be identified as follows: "Docket No. 516 Confidential-Proprietary Information."

2. The Confidential Information shall be subject to this Protective Order and shall be distributed solely to counsel for UI, the Council and the Council's staff. It is understood and agreed that the Confidential Information is confidential, market-sensitive and proprietary in nature and shall in no event be disclosed to any other third party, intervenor, person, entity, corporation or association, and shall neither be used nor discussed except for purposes of the above-referenced application filed by UI. All persons and entities in receipt of the log information pursuant to this Protective Order shall maintain a written log of all individuals granted access to the information.

3. The Confidential Information shall be marked as confidential and proprietary and delivered in a sealed envelope to the Council.

4. All recipients of the Confidential Information shall be bound by the terms of this Protective Order.

5. In the event that the Confidential Information is to be used in any manner in any hearing or proceeding before the Council, such hearing or proceeding shall not be held before, nor any record of it made available, to any other third party, intervenor, corporation, association or other person or entity. Presence at such hearing or proceeding shall be limited to the Council, its staff and legal representatives of BWC and UI. No record shall be disclosed, or communication made of the information, at any time to any third party, intervenor, corporation, association, person or entity. Any transcript or other recording of the Confidential Information shall be placed in sealed envelopes and a statement in the following form shall be placed on such envelope:

**CONFIDENTIAL INFORMATION**

This envelope is not to be opened nor are the contents thereof to be displayed or revealed except pursuant to the Protective Order issued in Docket No. 516.

6. No copies of the Confidential Information shall be made unless expressly ordered by the Council.

7. Nothing herein shall be construed as a final determination that any of the Confidential Information will be admissible as substantive evidence in any other hearing or trial. Moreover, nothing herein shall be considered a waiver of any party's right to assert at a later date that the Confidential Information is or is not proprietary or privileged. A party seeking to change the terms of the Protective Order shall by motion provide every other party at least five (5) business days' prior written notice. No information protected by the Protective Order shall be made public until the Council rules on any such motion to modify the terms of the Protective Order.

8. No recipient shall use or disclose the Confidential Information for purposes of business or competition, or for any other purpose except for preparation for and conduct in Docket No. 516, and shall in good faith take all reasonable precautions to keep the Confidential Information secure in accordance with the purposes and intent of this Protective Order.

9. All copies of the Confidential Information shall be returned to BWC no later than thirty (30) days after the expiration of all appeal periods applicable to the Council's final decision rendered in this proceeding.

10. If the Council receives a request for the Confidential Information under the Connecticut Freedom of Information Act, C.G.S. § 1-210 et seq., the Council shall notify BWC within twenty-four (24) hours of receipt of such request. However, the Council has no duty or obligation to participate in any proceedings before the Connecticut Freedom of Information Commission, or any appeals of the Connecticut Freedom of Information Commission's ruling, with respect to such request.

CONNECTICUT SITING COUNCIL

By:  \_\_\_\_\_

Melanie Bachman, Executive Director

October 12, 2023  
Dated: \_\_\_\_\_, 2023

**REQUEST FOR INFORMATION**

**REVIEWED AND ACKNOWLEDGED:**

The undersigned hereby acknowledges that the undersigned has reviewed this Protective Order and hereby agrees to abide by the terms thereof, in exchange for receipt of confidential information provided by BJ's Wholesale Club, Inc. in Docket No. 516.

This agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original but all of which together shall constitute one and the same agreement. This agreement shall be valid and enforceable as to any signing party.

By: \_\_\_\_\_

Dated: \_\_\_\_\_, 2023