

Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
p 860 424 4315
f 860 424 4370
lhoffman@pullcom.com
www.pullcom.com

November 6, 2020

VIA ELECTRONIC MAIL

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

Re: Docket No. 492 - Gravel Pit Solar application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection

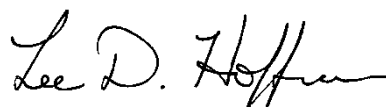
Dear Ms. Bachman:

I am writing on behalf of my client, Gravel Pit Solar, in connection with the above-referenced Application. With this letter, I am enclosing the following documents that relate to the confidential information that Gravel Pit Solar included in its October 28, 2020 Responses to the Connecticut Siting Council's (October 7, 2020) Pre-Hearing Questions:

1. Gravel Pit Solar's unredacted response to Interrogatory No. 5 of the Connecticut Siting Council's (October 7, 2020) Pre-Hearing Questions;
2. Gravel Pit Solar's Motion for Protective Order, dated October 30, 2020;
3. Executed Affidavit of Chris Clevenger, Authorized Representation of Gravel Pit Solar, in support of Gravel Pit Solar's Motion for Protective Order, dated October 30, 2020; and,
4. Gravel Pit Solar's proposed Nondisclosure Agreement and Confidentiality Order for the confidential information, dated October 30, 2020.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been made to all parties on the Application's Service List as of this date.

Sincerely,



Lee D. Hoffman

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

Gravel Pit Solar application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection.

Docket No. 492

October 30, 2020

GRAVEL PIT SOLAR'S MOTION FOR PROTECTIVE ORDER

1. Gravel Pit Solar, LLC, Gravel Pit Solar II, LLC, Gravel Pit Solar III, LLC, and Gravel Pit Solar IV, LLC (collectively, "Gravel Pit 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 Gravel Pit Solar is supplying to the Council in connection with its October 28, 2020 responses (the "Responses") to the Pre-Hearing Questions for the Gravel Pit Solar Project (the "Project") that were directed to Gravel Pit Solar by the Council on October 7, 2020.
2. Specifically, Gravel Pit Solar seeks to protect from public disclosure non-public information regarding certain trade secrets and financial information (the "Confidential Information") for the Project. Gravel Pit Solar has redacted this non-public information so that the vast majority of the information that Gravel Pit Solar is providing to the Council in the Responses can be released to the public without disclosing the Confidential Information.
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

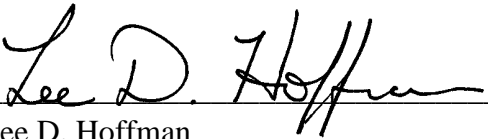
value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy” and “ [c]ommercial 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. As explained in the attached affidavit of Chris Clevenger, an authorized representative of Gravel Pit Solar, the Confidential Information is confidential and proprietary to the Applicant. Public disclosure would harm Gravel Pit Solar’s ability to compete in this very competitive energy market. As such, Gravel Pit Solar considers this information to be “trade secrets” and protects this information from public disclosure.
6. If the Council finds that any of the Confidential Information should not be subject to a Protective Order, Gravel Pit 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.
7. Gravel Pit Solar recognizes, however, the importance of ensuring that the Council and its staff have a full and fair opportunity to review the information. Any of those participants who signs a standard nondisclosure agreement should have full access to the unredacted information.
8. It is in the opinion of Gravel Pit 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, Gravel Pit Solar respectfully requests that the Council grant this Motion for Protective Order.

RESPECTFULLY SUBMITTED,

GRAVEL PIT SOLAR

By: 

Lee D. Hoffman

Amanda G. Gurren

Pullman & Comley, LLC

90 State House Square

Hartford, CT 06103-3702

Juris No. 409177

860-424-4315 (p)

860-424-4370 (f)

lhoffman@pullcom.com

Its Attorneys

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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AFFIDAVIT OF CHRIS CLEVINGER


I, Chris Clevenger, do state and declare under penalty of perjury as follows:

1. I am over the age of eighteen (18) and understand the obligation of an oath.
2. I am the Chief Operating Officer of D.E. Shaw Renewable Investments, L.L.C. ("DESRI").
3. Gravel Pit Solar, LLC, Gravel Pit Solar II, LLC, Gravel Pit Solar III, LLC, and Gravel Pit Solar IV, LLC (collectively, "Gravel Pit Solar"; or the "Applicant") are affiliates of DESRI. As such, I am an "Authorized Representative" of Gravel Pit Solar.
4. I submit this Affidavit in support of Gravel Pit Solar's Motion for Protective Order, as it relates to certain confidential information that Gravel Pit Solar is providing to the Connecticut Siting Council (the "Council") in connection with its October 28, 2020 responses (the "Responses") to the Pre-Hearing Questions for the Gravel Pit Solar Project (the "Project") that were directed to Gravel Pit Solar by the Council on October 7, 2020.
5. I have personal knowledge of the facts set forth herein unless otherwise stated, in which case, I understand those facts to be true based on information and belief.
6. Specifically, Gravel Pit Solar seeks to protect from public disclosure certain non-public information regarding trade secrets and financial information (the "Confidential Information") for the Project.
7. This information contains price data and project costs, which if made public could be damaging to Gravel Pit Solar's ability to compete in the marketplace.
8. 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. Public disclosure would harm Gravel Pit Solar's ability to compete in this very competitive energy market. As such, Gravel Pit Solar considers this information to be trade secrets and protects this information from public disclosure.

9. Gravel Pit Solar treats this information as proprietary and uses its best efforts to protect this information from public disclosure. Even within its own organization, Gravel Pit Solar limits disclosure of this information to those employees who have a "need to know."
10. To the best of my knowledge, no agency of the state of Connecticut, nor any other state or federal agency or court of competent jurisdiction, has previously made a confidentiality determination relevant to the Confidential Information.
11. The information that Gravel Pit Solar is providing to the Council in connection with the Responses contains information about the Project that is critical, commercially sensitive, and competitively significant. This information could be used by competitors and potential competitors of the Applicant in the marketplace. Finally, the Confidential Information is valuable and is used by the Applicant for competitive bidding, internal planning, and business purposes.
12. Public disclosure of the Confidential Information could provide insight into the bidding and financial strategy(ies) for this and future projects, which is information that Gravel Pit Solar and its competitors do not typically possess regarding each other.
13. Public disclosure of the Confidential Information is likely to cause substantial injury to Gravel Pit Solar's competitive positions.

IN WITNESS WHEREOF, the undersigned has executed and delivered this Affidavit as of the date set forth below.

Gravel Pit Solar

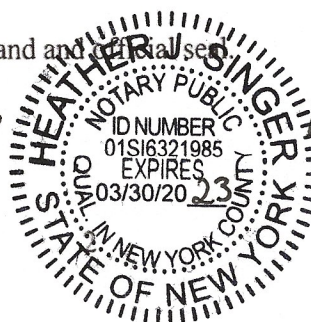
By: 
 Name: Chris Clevenger
 Title: Chief Operating Officer, DESRI
 Date: October 30, 2020

STATE OF New York)
) SS: _____
 COUNTY OF New York)

On this 30th day of October, 2020, before me, the undersigned officer personally appeared, Chris Clevenger, an Authorized Representative of Gravel Pit Solar, LLC, Gravel Pit Solar II, LLC, Gravel Pit Solar III, LLC, and Gravel Pit Solar IV, LLC (collectively, "Gravel Pit Solar"), known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Instrument and acknowledged that he executed the same as his free act and deed and the free act and deed of the limited liability company(ies) for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal

My commission expires: 03/30/2023
 [SEAL] Notary Public





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Docket No. 492

October 30, 2020

**PROPOSED PROTECTIVE ORDER CONCERNING THE PROVISION OF
CONFIDENTIAL INFORMATION BY GRAVEL PIT SOLAR**

WHEREAS, Gravel Pit Solar, LLC, Gravel Pit Solar II, LLC, Gravel Pit Solar III, LLC, and Gravel Pit Solar IV, LLC (collectively, “Gravel Pit Solar”; or the “Applicant”) has filed with the Connecticut Siting Council (“Council”) certain materials and information in response to Council requests and requirements; and,

WHEREAS, the materials and information contained in said materials are confidential and proprietary business information of Gravel Pit Solar (“Confidential Information”); and,

WHEREAS, disclosure of the Confidential Information would result in the disclosure of confidential, proprietary information to Gravel Pit Solar and thus harm its ability to compete in a competitive marketplace; and,

WHEREAS, Gravel Pit Solar desires to protect such information from disclosure to the public.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the following procedures are adopted for the protection of financial or confidential information provided by or through the Applicant in this proceeding.

1. This Protective Order shall govern all Confidential Information provided by Gravel Pit Solar in response to interrogatories and requests for documents in this Application

and all information derived therefrom, whether in the form of notes, analyses, documents, transcripts, data, computer tapes, diskettes, CD ROMs, testimony, studies or otherwise tangible or intangible.

2. All such Confidential Information made available pursuant to this Protective Order shall be used solely for the purposes of evaluating Gravel Pit Solar's Application and for no other purpose whatsoever.
3. All Confidential Information made available in this Application shall be given solely to the Council and people authorized by the Council to review such information, who shall all be bound by the terms of this Protective Order (such persons to be identified as "Authorized Recipient(s)" for purposes of this Protective Order); provided, however, that each person has executed the attached Nondisclosure Agreement to be bound by the terms of this Protective Order.
4. All persons granted access to Confidential Information shall take all reasonable precautions to keep this information secure in accordance with the purposes and intent of this Protective Order. No copies shall be made of the Confidential Information unless expressly ordered by the Council.
5. Confidential Information shall be marked as such and delivered in sealed envelopes to the Council. A statement in the following form shall be placed prominently on the outside of each envelope containing such information:

"CONFIDENTIAL – PROPRIETARY INFORMATION" with the identity of the filing entity, the date, and a brief description of the contents (ex. Full lease agreement). Each page of the proprietary materials must be marked with the words "CONTAINS PROPRIETARY INFORMATION – DO NOT RELEASE".

6. Any Confidential Information made available pursuant to this Protective Order shall be part of the record in this Proceeding, subject to conditions stated in Paragraphs 7 and 8.
7. If Confidential Information is used in any manner in any interrogatory, letter, motion, 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.

8. 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 Confidential Information should not be subject to the protections herein, said materials shall not be disclosed, but rather shall be returned immediately to Gravel Pit Solar.
9. 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 Applicant of all pertinent facts relating to such disclosure and shall make every effort to prevent disclosure by each unauthorized person who received such information.
10. 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 Gravel Pit Solar.

SO ORDERED:

CONNECTICUT SITING COUNCIL

By: _____

Dated: _____, 2020

**NONDISCLOSURE AGREEMENT AND AGREEMENT
TO BE BOUND BY THE TERMS OF PROTECTIVE ORDER**

The undersigned hereby acknowledges review of the Protective Order with respect to the Confidential Information filed by Gravel Pit Solar in Siting Council Docket No. 492, and hereby agrees to be bound and abide by the terms thereof in exchange for being given access to such Confidential Information.

Name & Title: _____
(Print)

(Signature)

Date: _____