

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

DATE: January 21, 2009

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 370** – The Connecticut Light and Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. **Motion for a Protective Order to Not Disclose Critical Energy Infrastructure Information (CEII)**

This letter is specifically addressed to the service list for the above-referenced docket. It seeks to obtain comments as to the question of whether a protective order should be granted to prevent disclosure to the public of certain sensitive critical energy infrastructure information (CEII). Counsel for the applicant, Connecticut Light and Power Company (CL&P) has filed a motion for a protective order that seeks to keep confidential the results of detailed power flow studies identifying specific weaknesses and vulnerabilities in the Bulk Power Supply system.

Before deciding on this motion, the Council would like to receive comments and opinions from all parties and intervenors. A copy of the applicant's Motion for a Protective Order and Memorandum in Support of Protective Order are posted on the Council's website for convenience and review, or if any party or intervenor would like to receive a hard copy, please contact the Council office.

Specifically, the Council welcomes comment pertaining to the following issues:

1. How should "CEII" be defined for Siting Council proceedings?
2. Is the "CEII" exempt from public disclosure under the Freedom of Information Act, C.G.S. §1-210(b)(19)?
3. What perceived procedures are permissible and/or advisable for the Siting Council to follow when it receives a request for protective order with respect to "CEII"?

The Freedom of Information Act (FOIA) §1-210(b)(19) states:

"Nothing in the Freedom of Information Act shall be construed to require disclosure of:

(19) Records where there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment

attached to, or contained in, such institution or facility... Such records include, but are not limited to:

- (i) Security manuals or reports;
- (ii) Engineering and architectural drawings of government-owned or leased institutions or facilities;
- (iii) Operational specifications of security systems utilized at any government-owned or leased institution or facility, except that a general description of any such security system and the cost and quality of such system, may be disclosed;
- (iv) Training manuals prepared for government-owned or leased institutions or facilities that describe, in any manner, security procedures, emergency plans or security equipment;
- (v) Internal security audits of government-owned or leased institutions or facilities;
- (vi) Minutes or records of meetings, or portions of such minutes or records, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subdivision;
- (vii) Logs or other documents that contain information on the movement or assignment of security personnel at government-owned or leased institutions or facilities;
- (viii) Emergency plans and emergency recover or response plans; and
- (ix) With respect to a water company, as defined in section 25-32a, that provides water service: Vulnerability assessments and risk management plans, operational plans, portions of water supply plans submitted pursuant to section 25-32d that contain or reveal information the disclosure of which may result in a security risk to a water company, inspection reports, technical specifications and other materials that depict or specifically describe critical water company operating facilities, collection and distribution systems or sources of supply..."

Comments on this issue should be submitted on or before Friday, February 20, 2009 directly to the Siting Council and the service list. If you have any questions or concerns, please call the office at 860-827-2935. Thank you.

SDP/MAB/laf

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com Jeffrey Towle, Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> E-mail	Richard Blumenthal Attorney General	Michael C. Wertheimer Assistant Attorney General Attorney General's Office 10 Franklin Square New Britain, CT 06051 860-827-2620 860-827-2893 Michael.wertheimer@po.state.ct.us

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;">Party (granted November 20, 2008)</p>	<p><input checked="" type="checkbox"/> E-mail</p>	<p>Town of East Granby</p>	<p>Donald R. Holtman, Esq. Katz & Seligman, LLC 130 Washington Street Hartford, CT 06106 860-547-1857 860-241-9127 dholtman@katzandseligman.com</p> <p>The Honorable James Hayden First Selectman Town of East Granby P.O. Box 1858 East Granby, CT 06026</p>
<p style="text-align: center;">Party (granted November 20, 2008)</p>	<p><input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail</p>	<p>Town of Suffield</p>	<p>Edward G. McAnaney, Esq. McAnaney & McAnaney Suffield Village 68 Bridge Street Suffield, CT 06078 (860) 668-2000 (860) 668-2666 – fax</p> <p>The Honorable Scott R. Lingenfelter First Selectman Suffield Town Hall 83 Mountain Road Suffield, CT 06078</p>
<p style="text-align: center;">Intervenor (granted December 4, 2008)</p>	<p><input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail</p>	<p>ISO New England Inc.</p>	<p>Anthony M. Macleod Whitman Breed Abbott & Morgan LLC 500 West Putnam Avenue, P.O. Box 2250 Greenwich, CT 06830-2250 (203) 862-2458 amacleod@wbamct.com</p> <p>Kevin Flynn, Esq. Regulatory Counsel ISO New England One Sullivan Road Holyoke, MA 01040 (413) 535-4177 kflynn@iso-ne.com</p>

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p align="center">Party (granted on January 8, 2009)</p>	<input type="checkbox"/> E-mail <p align="center">or</p> <input type="checkbox"/> U.S. Mail	<p align="center">Office of Consumer Counsel</p>	<p>Mary J. Healey Consumer Counsel Ten Franklin Square New Britain, CT 06051 Mary.healey@ct.gov</p> <p>Bruce C. Johnson Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Bruce.johnson@ct.gov</p>
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