

STATE OF CONNECTICUT

SITING COUNCIL

<p>The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for the Interstate Reliability Project consisting of new overhead 345-kV electric transmission lines and associated facilities extending between CL&P's Card Street Substation in the Town of Lebanon, Lake Road Switching Station in the Town of Killingly, and the Connecticut/Rhode Island border (in the Town of Thompson) and related additions at CL&P's existing Card Street Substation, Lake Road Switching Station, and Killingly Substation.</p>	<p>DOCKET NO. 424</p> <p>February 9, 2012</p>
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**APPLICANT'S MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER**

The Connecticut Light and Power Company ("CL&P") hereby respectfully submits this memorandum in support of its Motion for Protective Order (the "Motion") filed on even date herewith, seeking to protect from public disclosure certain sensitive, critical energy infrastructure information ("CEII") submitted as the CEII Appendix to the Application in this Docket.

I. BACKGROUND

The Motion filed in connection with this memorandum seeks protection for documents that contain CEII. CEII is defined by the Federal Energy Regulatory Commission (FERC) as:

Specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or virtual) that:

1. Relates details about the production, generation, transportation, transmission, or distribution of energy;
2. Could be useful to a person planning an attack on critical infrastructure;
3. Is exempt from mandatory disclosure under the [Federal] Freedom of Information Act; and
4. Gives strategic information beyond the location of the critical infrastructure.

18 CFR § 388.113(c)(1). In turn, "critical energy infrastructure" is defined as:

Existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.

18 CFR § 388.113(c)(2).

The CEII Appendix to the Application in this Docket consists of:

PART A – NON-REDACTED PLANNING REPORTS

- EX. 1¹: ISO-NE, "Southern New England Transmission Reliability, Report 1 – Need Analysis," January 2008
- EX. 2: ISO-NE, "New England East-West Solutions (Formerly Southern New England Transmission Reliability), Report 2 – Options Analysis," June 2008
- EX. 4: ISO-NE, "New England East-West Solution (NEEWS): Interstate Reliability Project Component Updated Needs Assessment," April 2011
- EX. 5: ICF Inc., "Assessment of Non-Transmission Alternatives to the NEEWS Transmission Projects: Interstate Reliability Project," December 2011
- EX 6: ISO-NE, "New England East-West Solution (NEEWS): Interstate Reliability Project Component Updated Solution Study Report, February 2012

PART B – PHYSICAL SECURITY OF PROPOSED FACILITY

¹ The designation of these documents corresponds to that of the Redacted Versions of the same documents provided, or to be provided, in Volume 5 of the Application. There is no EX. 4 in the CEII Appendix because EX. 4 in Volume 5, the *2008 Solution Report*, does not contain CEII and therefore was provided in full in Volume 5.

The detailed power flow study results disclosed in Part A of the CEII Appendix relate to the Bulk Power Supply System of Southern New England. That system qualifies as “critical energy infrastructure.” These detailed results identify specific weaknesses and vulnerabilities of those portions of the system. Such information could be useful to a person planning an attack on critical infrastructure because it discloses specific weaknesses and vulnerabilities of these relevant systems.

Part B of the CEII Appendix because it contains information on siting security measures for the facilities proposed in the Application, as required by Section IV.N(4) of the Council's Application Guide for an Electric and Fuel Transmission Line Facility. Those measures include security issues associated with four areas: planning, preparedness, response and recovery that, among other things, (a) identify physical vulnerabilities most likely to pose a security threat; (b) identify linkages to other facilities and systems and potential repercussions from a facility or system interruption; and (c) discuss physical security plan concepts. Accordingly, this information could be useful to a person planning an attack on critical infrastructure.

A. FERC Protection of CEII

As historical background, concern regarding CEII arose after the terrorist attacks of September 11, 2001. In response to that event, the FERC implemented procedures to protect information submitted to it that contained CEII. In October 2001, FERC issued a Policy Statement whereby documents containing CEII that previously had been available to the public were removed from easy access. COMM-OPINION-ORDER, 97 FERC ¶61,030, Treatment of Previously Public Documents, Docket No. PL02-1-000 (Oct. 11, 2001), 66 Fed. Reg. 52917 (2001). In order to accomplish this goal quickly, FERC staff identified broad categories of documents that were likely to contain CEII, and removed them from public access. The public

was directed to use the Freedom of Information Act (“Federal FOIA”) request procedure to obtain the information. Id. Over time, FERC determined that the Federal FOIA process was not well-suited for handling CEII requests, and that in addition, some parties have legitimate needs for CEII that would be exempt from disclosure under the Federal FOIA. 68 Fed. Reg. 9857 (2003) (Supplementary Information to Order 630).

In response to these determinations, FERC subsequently issued a number of orders, resulting in the current version of 18 C.F.R. § 388.113(d), which sets forth detailed procedures that must be followed to obtain access to CEII. 18 C.F.R. § 388.113. Order 630, 68 Fed. Reg. 9857 (2003), as amended by Order 630-A, 68 Fed. Reg. 46460 (2003), Order 649, 69 Fed. Reg. 48391, (2004); Order 662, 70 Fed. Reg. 37036 (2005); Order 683, 71 Fed. Reg. 58276 (2006); Order 702, 72 Fed. Reg. 63985 (2007). *See*, Exhibit A hereto. These procedures include investigations as to the identity of the party requesting the information, whether the party has a legitimate or valid need for the information, whether the party poses a security risk or the request should be denied for other reasons, as well as procedures for ensuring that certain requesters sign non-disclosure agreements. See 18 C.F.R. § 388.113(d).

In its Order 890, ¶ 404, 72 Fed. Reg. 12266 (issued February 16, 2007) FERC made Transmission Owners such as CL&P responsible for identifying CEII and developing a standard disclosure procedure to facilitate access to it by appropriate entities, which may include a non-disclosure agreement. *See*, Rule 890 Excerpt, Exhibit B hereto. As set forth in Part C below, CL&P has complied with that directive, and has filed the Motion pursuant to that CEII policy.

B. ISO-NE protection of CEII

Significantly, following FERC’s lead, ISO-New England Inc. (“ISO-NE”), the entity charged with responsibility for the planning of the New England Bulk Power Supply system, has

also adopted CEII restrictions. *See*, Exhibit C hereto. For instance, with respect to ISO-NE's Planning Advisory Committee, planning-related materials that are determined to be CEII are posted on ISO-NE's password protected website. Governmental employees and energy industry personnel² seeking to obtain access to CEII material must take certain steps, as applicable, that include contacting ISO-NE's Customer Service department, signing non-disclosure agreements and complying with governing agreements, rules and protocols. For CEII filed with FERC, ISO-NE policy states that non-governmental or energy industry personnel may obtain access pursuant to the FERC CEII procedures. For CEII not filed with FERC, the requestor must comply with ISO-NE's CEII procedures, which are similar to the FERC procedures. ISO-NE FERC Electric Tariff No. 3, Open Access Transmission Tariff, Section H – Attachment K – Regional System Planning Process, Original Sheet No. 6237 (eff. Dec. 7, 2007).

Pursuant to its CEII policy, ISO-NE has redacted CEII from the public versions of the reports provided as Ex. 1, Ex. 2, and Ex. 3 of this filing. Copies of the redacted public versions were filed as part of the application in this Docket.

C. Transmission Owners' Adoption of CEII Policies

In response to Order 890, the New England public utilities that own electric transmission assets, known as the New England Participating Transmission Owners ("PTOs"), adopted rules for the disclosure of CEII. *See*, http://www.transmission-nu.com/business/pdfs/PTO_CEII_Procedure.pdf. Similar to ISO-NE's procedures for CEII, CEII is password restricted. Upon written request to the New England PTO CEII Coordinator, passwords are issued for access to CEII after execution of a non-disclosure agreement and "upon

²Industry personnel include authorized market participants or representatives and their consultants, state and federal governmental agency employees and their consultants, Personnel of the ERO, NPCC, other regional transmission organizations or independent system operators, and transmission owners from neighboring regions. Attachment K, at Sheet No. 6237.

satisfaction that the disclosure is consistent with FERC policy, FERC regulations, including CEII regulations, and any other applicable law.” See, Exhibit D hereto, #4. In addition, note that CL&P has also adopted CEII guidelines that are consistent with all of the CEII disclosure procedures described above. See, *Northeast Utilities Service Company Guidelines for Handling CEII Materials in Siting Proceedings, September, 2008 (Siting CEII Policy)*. See, Exhibit E hereto.

This policy recognizes that:

Siting proceedings in which approval for Bulk Power System elements is sought typically include requirements to demonstrate a need for the proposed facility, the advantages of the proposed facility as compared to non-transmission alternative solutions to the need, information concerning the location of the proposed and existing facilities, and information concerning the design and construction of the proposed facility. Such information may or may not constitute CEII, depending on whether it provides sufficient detail so as to be potentially useful to a person planning an attack on critical infrastructure.

Siting CEII Policy, at 3.

Pursuant to its CEII policy, CL&P has redacted CEII from the public version of the report provided as Ex. 4 of this filing. A copy of the redacted public version was filed as part of the application in this Docket.

D. The Council’s CEII Policy

Recognizing the policies discussed above, the Council has adopted its Procedures for the protection of CEII. According to the Council’s website, these procedures were last updated on April 20, 2009. The Procedures incorporate FERC’s definition of CEII and provide for the protection CL&P now seeks. Recently, in its Docket 370A, the Council granted a Motion for Protective Order filed by CL&P to protect the CEII Appendix, on terms and conditions identical to those sought in the motion now before the Council. Council Docket No. 370A, Decision on Protective Order, 4/17/09. See, Exhibit F hereto.

II. DISCUSSION

As is apparent from Volume 1, Section 2 of the Application and the redacted copies of the reports provided in Volume 5 of the application, and even more so from the unredacted copies for which this motion seeks protection, the material redacted from the public versions of the reports relates details about the transmission of energy; could be useful to a person planning an attack on critical infrastructure; and does more than simply provide the general location of critical infrastructure. Moreover, consistent with the definition of CEII, the Confidential Information is exempt from mandatory disclosure under the CT FOIA.³

In particular, the Confidential Information is exempt under C.G.S. § 1-210(b)(19) of the CT FOIA, which exempts records when there are reasonable grounds to believe that disclosure may result in a safety risk to any facility of a public service company.⁴

³ Since the CEII definition is contained in a rule of a federal agency subject to the Federal FOIA, it refers to the Federal FOIA. However, the Siting Council, as a Connecticut State Agency, is subject to the CT FOIA.

⁴ 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;
- (viii) Emergency plans and emergency preparedness, response, recovery and mitigation plans, including plans provided by a person to a state agency or a local emergency management agency or official; 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". C.G.S. §1-210(b)(19).

The CEII Appendix to the Application, submitted herewith, contains CEII, the disclosure of which may result in a significant safety risk for the general public and CL&P's facilities. Maintaining security for such sensitive information is the goal of the detailed CEII protections established by FERC, ISO-NE, the New England PTOs and CL&P, and recognized in the Connecticut FOIA. CL&P respectfully requests that the Council grant its request for a Protective Order with respect to this information.

Respectfully submitted,

**THE CONNECTICUT LIGHT AND POWER
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EXHIBIT A
to Memorandum in Support of
Motion for Protective Order

Westlaw

18 C.F.R. § 388.113

C

Effective: December 14, 2007

Code of Federal Regulations Currentness
Title 18. Conservation of Power and Water Resources
Chapter I. Federal Energy Regulatory Commission, Department of Energy
Subchapter X. Procedural Rules
Part 388. Information and Requests (Refs & Anns)

§ 388.113 Accessing critical energy infrastructure information.

(a) Scope. This section governs access to critical energy infrastructure information (CEII). The rules governing submission of CEII are contained in 18 CFR 388.112(b). The Commission reserves the right to restrict access to previously filed documents as well as Commission-generated documents containing CEII.

(b) Purpose. The procedures in this section are available at the requester's option as an alternative to the FOIA procedures in § 388.108 where the information requested is exempt from disclosure under the FOIA and contains CEII.

(c) Definitions. For purposes of this section:

(1) Critical energy infrastructure information means specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

(i) Relates details about the production, generation, transportation, transmission, or distribution of energy;

(ii) Could be useful to a person in planning an attack on critical infrastructure;

(iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and

(iv) Does not simply give the general location of the critical infrastructure.

(2) Critical infrastructure means existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.

(d) Accessing critical energy infrastructure information.

(1) An Owner/operator of a facility, including employees and officers of the owner/operator, may obtain CEII relating to its own facility directly from Commission staff without going through the procedures outlined in paragraph (d)(3) of this section. Non-employee agents of an owner/operator of such facility may obtain CEII relating to the owner/operator's facility in the same manner as owner/operators as long as they present written authorization from the owner/operator to obtain such information.

(2) An employee of a federal agency acting within the scope of his or her federal employment may obtain CEII directly from Commission staff without following the procedures outlined in paragraph (d)(3) of this

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18 C.F.R. § 388.113

section. Any Commission employee at or above the level of division director or its equivalent may rule on federal agency representatives' requests for access to CEII.

(3) A landowner whose property is crossed by or in the vicinity of a project may receive detailed alignment sheets containing CEII directly from Commission staff without submitting a non-disclosure agreement as outlined in paragraph (d)(4) of this section. A landowner must provide Commission staff with proof of his or her property interest in the vicinity of a project.

(4) If any other requester has a particular need for information designated as CEII, the requester may request the information using the following procedures:

(i) File a signed, written request with the Commission's CEII Coordinator. The request must contain the following: Requester's name (including any other name(s) which the requester has used and the dates the requester used such name(s)), title, address, and telephone number; the name, address, and telephone number of the person or entity on whose behalf the information is requested; a detailed statement explaining the particular need for and intended use of the information; and a statement as to the requester's willingness to adhere to limitations on the use and disclosure of the information requested. A requester shall provide his or her date and place of birth upon request, if it is determined by the CEII Coordinator that this information is necessary to process the request. Unless otherwise provided in Section 113(d)(3), a requester must also file an executed non-disclosure agreement.

(ii) A requester who seeks the information on behalf of all employees of an organization should clearly state that the information is sought for the organization, that the requester is authorized to seek the information on behalf of the organization, and that all the requesters agree to be bound by a non-disclosure agreement that must be executed by and will be applied to all individuals who have access to the CEII.

(iii) After the request is received, the CEII Coordinator will determine if the information is CEII, and, if it is, whether to release the CEII to the requester. The CEII Coordinator will balance the requester's need for the information against the sensitivity of the information. If the requester is determined to be eligible to receive the information requested, the CEII Coordinator will determine what conditions, if any, to place on release of the information.

(iv) If the CEII Coordinator determines that the CEII requester has not demonstrated a valid or legitimate need for the CEII or that access to the CEII should be denied for other reasons, this determination may be appealed to the General Counsel pursuant to § 388.110 of this Chapter. The General Counsel will decide whether the information is properly classified as CEII, which by definition is exempt from release under FOIA, and whether the Commission should in its discretion make such CEII available to the CEII requester in view of the requester's asserted legitimacy and need.

(v) Once a CEII requester has been verified by Commission staff as a legitimate requester who does not pose a security risk, his or her verification will be valid for the remainder of that calendar year. Such a requester is not required to provide detailed information about him or herself with subsequent requests during the calendar year. He or she is also not required to file a non-disclosure agreement with subsequent requests during the calendar year because the original non-disclosure agreement will apply to all subsequent releases of CEII.

(vi) If an organization is granted access to CEII as provided by paragraph (d)(4)(iii) of this section, and later

18 C.F.R. § 388.113

seeks to add additional individuals to the non-disclosure agreement, the names of these individuals must be sent to the CEII Coordinator with certification that notice has been given to the submitter. Any newly added individuals must execute a supplement to the original non-disclosure agreement indicating their acceptance of its terms. If there is no written opposition within five (5) days of notifying the CEII Coordinator and the submitter concerning the addition of any newly-named individuals, the CEII Coordinator will issue a standard notice accepting the addition of names to the non-disclosure agreement. If the submitter files a timely opposition with the CEII Coordinator, the CEII Coordinator will issue a formal determination addressing the merits of such opposition.

(e) Fees for processing CEII requests will be determined in accordance with 18 CFR 388.109.

[Order 630, 68 FR 9870, March 3, 2003; Order 630-A, 68 FR 46460, Aug. 6, 2003; Order 649, 69 FR 48391, Aug. 10, 2004; Order 662, 70 FR 37036, June 28, 2005; Order 683, 71 FR 58276, Oct. 3, 2006; Order 702, 72 FR 63985, Nov. 14, 2007]

18 C. F. R. § 388.113, 18 CFR § 388.113

Current through August 28, 2008; 73 FR 50731

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EXHIBIT B
to Memorandum in Support of
Motion for Protective Order

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Parts 35 and 37

(Docket Nos. RM05-17-000 and RM05-25-000; Order No. 890)

Preventing Undue Discrimination and Preference in Transmission Service

(Issued February 16, 2007)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule

SUMMARY: The Federal Energy Regulatory Commission is amending the regulations and the pro forma open access transmission tariff adopted in Order Nos. 888 and 889 to ensure that transmission services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential. The final rule is designed to: (1) strengthen the pro forma open-access transmission tariff, or OATT, to ensure that it achieves its original purpose of remedying undue discrimination; (2) provide greater specificity to reduce opportunities for undue discrimination and facilitate the Commission's enforcement; and (3) increase transparency in the rules applicable to planning and use of the transmission system.

EFFECTIVE DATE: This rule will become effective [insert date 60 days after publication in the **FEDERAL REGISTER**].

Docket Nos. RM05-17-000 and RM05-25-000

- 2 -

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SUPPLEMENTARY INFORMATION:

that raises security and confidentiality concerns, and ISO New England and Entergy's concerns about commercial and market-sensitive information.

404. In order to provide transparency and avoid undue delays in providing information to those with a legitimate need for it, the Commission requires transmission providers to establish a standard disclosure procedure for CEII required to be disclosed by this Final Rule. We note that transmission customers already have digital certificates or passwords to access publicly restricted transmission information on OASIS. Transmission providers may set up an additional login requirement for users to view CEII sections of the OASIS, requiring users to acknowledge that they will be viewing CEII information.

Transmission providers may require customers to sign a nondisclosure agreement at the time that the customer obtains access to this portion of the OASIS. Only information that meets the criteria for CEII, as defined in section 388.113 of the Commission's regulations,²²¹ should be posted in this section of the OASIS. Transmission providers will be responsible for identifying CEII and facilitating access to it by appropriate entities, and the Commission will be available to resolve disputes if they arise.

(10) Additional Data Posting

NOPR Proposal

405. To further reduce discretion in calculating ATC/AFC, the Commission proposed that transmission providers post on OASIS metrics related to the provision of

²²¹ 18 CFR 388.113.

EXHIBIT C
to Memorandum in Support of
Motion for Protective Order

2.4 Procedures

(a) Notice of Meetings

Prior to the beginning of each year, the ISO shall list on the ISO Calendar, which is available on the ISO's website, the proposed meeting dates for the Planning Advisory Committee for each month of the year. Prior to a Planning Advisory Committee meeting, the ISO shall provide notice to the Planning Advisory Committee by electronic email with the date, time, format for the meeting (*i.e.*, in person or teleconference), and the purpose for the meeting.

(b) Frequency of Meetings

Meetings of the Planning Advisory Committee shall be held as frequently as necessary to serve the purposes stated in Section 2.2 of this Attachment and as further specified elsewhere in this Attachment, generally expected to be no less than four (4) times per year.

(c) Availability of Meeting Materials

The ISO shall post materials for Planning Advisory Committee meetings on the Planning Advisory Committee section on the ISO's website prior to meetings. The materials for the Planning Advisory Committee meetings shall be made available to the members of the Planning Advisory

Issued by: Raymond W. Hepper,

Vice President and Assistant General Counsel

Issued on: December 7, 2007

Effective: December 7, 2007

Filed to comply with order of the Federal Energy
Regulatory Commission, Docket Nos. RM05-17-000, *et al.*, issued
February 16, 2007, Order No. 890, 118 FERC ¶ 61,119 (2007)

DMEAST #9884705 v3D

Committee subject to protections warranted by confidentiality requirements of the ISO New England Information Policy set forth in Attachment D of the ISO Tariff and Critical Energy Infrastructure Information ("CEII") policy as further described in Section 2.4(d) of this Attachment.

(d) Access to Planning-Related Materials that Contain CEII

CEII is defined as specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or virtual) that:

- (i) Relates details about the production, generation, transportation, transmission, or distribution of energy;
- (ii) Could be useful to a person in planning an attack on critical infrastructure;
- (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- (iv) Does not simply give the location of critical infrastructure.

CEII pertains to existing and proposed system and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters. CEII does not include information that is otherwise publicly available. Simplified maps and general information

on engineering, vulnerability, or design that relate to production, generation, transportation, transmission or distribution of energy shall not constitute CEII.

Planning-related materials determined to be CEII will be posted on the ISO's password-protected website. To obtain access to planning-related materials determined to be CEII, the entity seeking to obtain such access must contact the ISO's Customer Service department. Authorized Market Participants or their representatives, such as consultants, are bound by the ISO New England Information Policy and will be able to access CEII materials through the ISO's password-protected website. State and federal governmental agency employees and their consultants will be able to access such materials through the ISO's password-protected website upon submittal of a signed non-disclosure agreement, which is available on the ISO's website. Personnel of the ERO, NPCC, other regional transmission organizations or independent system operators, and transmission owners from neighboring regions will be able to access CEII materials pursuant to governing agreements, rules and protocols. All external requests by other persons for planning-related materials determined to be CEII shall be recorded and tracked by ISO's Customer Services staff. Such requestors

Issued by: Raymond W. Hepper, Vice President and Assistant General Counsel
Issued on: December 7, 2007

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DMEAST #08884705 v3D

EXHIBIT D
to Memorandum in Support of
Motion for Protective Order

PTO-AC Guidelines for Handling CEII Materials and CEII Requests

Revision 1
Effective Date: 1/10/12

Table of Contents

1. Introduction.....	3
2. Acronyms and Definitions of Terms	3
2.1. CEII Defined.....	3
2.2. Acronyms and Terms.....	5
3. Determination of CEII Materials.....	6
3.1. Recommended Methodology.....	6
3.2. Identifying CEII Materials.....	6
4. Document Control	7
4.1. CEII Delineation within Documents	7
4.2. Public Forums, Siting Councils, and Filings	8
4.3. E-mail Labeling and Electronic Information Protection.....	9
4.4. CEII Disposal	9
5. Role of the CEII Coordinator.....	9
6. Release of CEII Materials	10
6.1. CEII Tracking	12
6.2. CEII Exchange Between PTOs.....	12
6.3. Releasing Third Party CEII to Requestors.....	12
6.4. Contracts and Purchasing	12
7. CEII Training.....	12
8. References	13
9. Summary of Changes.....	14
Attachment A, CEII Materials to Be Protected	15
Attachment B – Illustrative Examples of CEII	18
Attachment C, Sample CEII Request Form #1.....	21
Attachment D, Sample CEII Request Form #2.....	26
Attachment E – Example Identity Verification Form.....	31
Attachment F – Inter-PTO Sharing Agreement	34

Review and Re-Adoption Requirements

This document will be reviewed periodically by the Participating Transmission Owners Administrative Committee (PTO-AC). The existing or revised document will be re-adopted by the PTO-AC and posted and/or distributed to staff and committees/working groups, as applicable.

1. Introduction

This guideline is intended to provide assistance to Participating Transmission Owners (PTO) in the administration and handling of Critical Energy Infrastructure Information (CEII). This guideline is intended as a suggested set of determining criteria and recommended components for the handling of CEII by a PTO. A PTO may utilize this guideline as it deems appropriate.

CEII refers to vital information that, if utilized by someone wishing to do harm, could provide sufficient detail to enable the disabling of the Bulk Power System, Critical Facilities, Critical Assets and Critical Cyber Assets.

This document will:

- Assist PTO personnel in determining the types of internal information that would be considered CEII.
- Provide guidance on document control for such information.
- Describe a process under which third parties may be granted access to CEII.

NOTE: This procedure is not intended as a substitute for legal counsel. Each individual PTO should consult with its legal counsel when CEII is in question.

While CEII designation is an important component of information protection, the Federal Energy Regulatory Commission (FERC) has also indicated that a Transmission Owner should “increase transparency and customer access to information.”¹ In addition, FERC has cautioned against the over-use of CEII.² Thus a PTO should avoid the over-use of CEII designation and restricted access to data that should otherwise be available for public scrutiny. It is also important that a PTO has consistent CEII policies and procedures to prevent confusion and contradiction among CEII requestors and providers.

2. Acronyms and Definitions of Terms

2.1. **CEII Defined**

To define CEII, it is important to understand the components of the term as it is defined by FERC. FERC defines CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing *critical infrastructure* that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure.”³

¹ FERC Order 890 Fact Sheet

² FERC 18 CFR Part 388 (Docket No. RM06-23-000; Order No. 702) - Critical Energy Infrastructure Information (Issued October 30, 2007)

³ 18 CFR Part 388 (Docket No. RM06-24-000; Order No. 683) – Critical Energy Infrastructure Information (Issued September 21, 2006)

To further understand CEII, a PTO should consider the following additional defined terms:

Critical Infrastructure

NERC defines Critical Infrastructure as “the Systems and Assets, whether physical or virtual, that are so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on the security, national economic security, national public health or safety, or any combination of those matters.”⁴ Systems, as defined in this procedure, refer to discrete protection, control, and communication systems.

Critical Assets

In addition, NERC identifies Critical Assets as “Facilities, systems, and equipment which, if destroyed, degraded, or otherwise rendered unavailable, would affect the reliability or operability of the *Bulk Electric System*.”⁵

Examples⁶:

- Function and physical location,
- Black start facilities,
- Extra high voltage (>230 kV) stations,
- Locations and responsibilities of control and operating entities, and
- Details of critical computer systems (e.g., operational systems such as Energy Management Systems (EMS), Supervisory Control and Data Acquisition (SCADA), digital control systems, their names and function, CAD/CAM facilities, network configuration and firewall schemes).

Bulk Electric System

NERC defines the Bulk Electric System as “As defined by the Regional Reliability Organization, the electrical generation resources, transmission lines, interconnections with neighboring systems, and associated equipment, generally operated at voltages of 100 kV or higher. Radial transmission facilities serving only load with one transmission source are generally not included in this definition.”⁷

Critical Facility

“Any facility or combination of facilities, if severely damaged or destroyed, would have a significant impact on the ability to serve large quantities of customers for an extended period of time, would have a detrimental impact to the reliability or operability of the energy grid, or would cause significant risk to public health and safety.”⁸

⁴ USA Patriot Act of 2001 - H. R. 3162 (Sec. 1016. Critical infrastructures protection)

⁵ NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

⁶ NERC Security Guidelines for the Electricity Sector, “Protecting Potentially Sensitive Information,” version 1.0 (June 14, 2002)

⁷ NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

⁸ Security Guidelines for The Electricity Sector: Vulnerability and Risk Assessment, pg. 1 Applicability

2.2. Acronyms and Terms

Term	Definition
BES	Bulk Electric System as defined by North American Electric Reliability Corporation (NERC).
BPS	Bulk Power System as defined by Northeast Power Coordinating Council (NPCC).
CCA	Critical Cyber Asset.
CEII	Critical Energy Infrastructure Information as defined by the Federal Energy Regulatory Commission (FERC).
CIP	Critical Infrastructure Protection: NERC standards created to enforce the protection of critical cyber assets associated with critical assets within the Bulk Power System.
Critical Assets	See Section 2.1.
Critical Cyber Assets	NERC defines Critical Cyber Assets as “those Cyber Assets essential to the reliable operation of Critical Assets.” ⁹
Critical Infrastructure	See Section 2.1.
EMS	Energy Management System.
FERC	The Federal Energy Regulatory Commission, pursuant to the provisions set forth in the Federal Power Act, the Commission is responsible for regulating and overseeing the interstate transmission of electricity (specific powers are as set forth in the Federal Power Act).
FOIA	Freedom of Information Act.
ISO-NE	Independent System Operator New England: delegates and shares responsibility with the PTOs for many Transmission Operator (TOP) functions. While ISO-NE is accountable for certain types of reporting, it relies on the data from the PTOs.
NEPOOL	New England Power Pool.
NERC	North American Electric Reliability Corporation, through the establishment of Standards, ensures the reliability, adequacy and security of the nation’s Bulk Power System.
NDA	Non-disclosure agreement.
NPCC	Northeast Power Coordinating Council.

⁹ NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

PAC	Planning Advisory Committee.
PTO	Participating Transmission Owners.
RC	NEPOOL Reliability Committee.
SCADA	Supervisory Control and Data Acquisition.
SME	Subject Matter Expert.
TADS	Transmission Availability Data System.

3. **Determination of CEII Materials**

When determining if outgoing materials contain CEII, consider the following:

- “In general, narratives such as general descriptions of facilities and processes are public. However, if there are specific engineering, design or operational details of a critical infrastructure in narrative form, the information may be CEII or privileged.”¹⁰
- “CEII is limited and includes engineering, security, and detailed design information about proposed or existing critical infrastructure. Examples of CEII include detailed drawings and specifications, dam safety and technical reports, emergency action plans, hazard classification, construction design reports, public safety plans, and extreme event reports.”¹¹

Please refer to Attachments A and B for specific examples of the types of materials (reports, diagrams, maps, studies, etc.) that should be considered for CEII labeling.

3.1. **Recommended Methodology**

It is important for a PTO to have a method of determining if information is CEII and a plan to identify and label such, as needed. A PTO should designate material that has not yet been released to the public or filed with regulatory authorities, including any currently prepared materials for release, as CEII prior to release.

Once information is released to the public, or filed with regulatory authorities, information cannot be retroactively labeled as CEII. Thus, retroactively labeling previous files may not be necessary or appropriate for a PTO. However, a PTO may label materials as CEII for future releases, even if previously released to the public.

A PTO should consider the organizational value of labeling internal materials as CEII once it has been determined if materials contain CEII. Alternately, PTOs may consider labeling only outgoing materials as CEII.

A methodology to handle and protect CEII should be included in a PTO's processes to ensure that material containing CEII is distributed with proper protection (please refer to Section 6).

3.2. **Identifying CEII Materials**

To determine if materials contain CEII, the PTO should consider the following aspects:

- Is the subject related to the Bulk Power System, Critical Facilities, Critical

¹⁰ FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII)

¹¹ FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII)

Assets, or Critical Cyber Assets?

- Could this material be used to harm the electric system infrastructure?
- How is the material (e.g., maps, diagrams, studies, applications) presented? Does it discuss contingencies and critical infrastructure weakness?

These questions may be answered through a methodology performed in a manner consistent within each PTO and among all PTOs. If the PTO determines that information is CEII, it should have a rationale for that determination, which provides defense against a legal or regulatory challenge. The methodology and rationale on how to consistently recognize CEII can be communicated to the PTO's organization through a variety of means, including training programs (refer to Section 7).

PTOs should attempt to be consistent in labeling CEII, and should consider methods to confirm similar CEII interpretations within the region, especially in regards to joint filings to regulatory bodies. However, it is important to note that each PTO may not identify CEII identically due to variations in each company's system.

4. **Document Control**

A PTO should have a process in place to protect CEII materials. Before materials are released to the general public, or to any entity with the potential of being released to the public, the materials must be reviewed and processed accordingly. All applicable departments should be involved in this process.

For any documents being released by a PTO to those individuals who have signed NDAs, it is recommended that these materials be labeled as CEII on the cover page. In addition, a PTO may consider including a label on each page of a document.

Examples of CEII labels:

- Non-redacted document: *"This Report Contains Critical Energy Infrastructure Information (CEII) – Do Not Release Without Redacting."*
- For documents being redacted prior to public release: *"This document has been redacted for public use. Contact the document owner for further information."*
- For materials not containing CEII: *"This document has been reviewed and contains no CEII."*

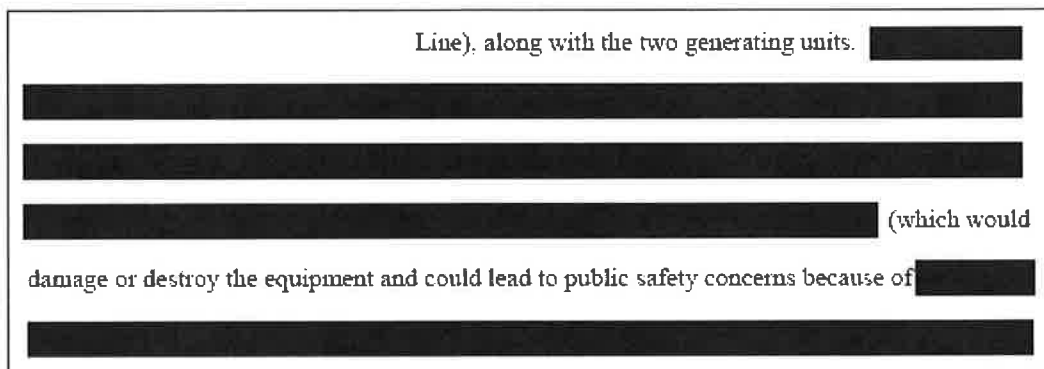
A PTO may consider additional labels applicable to how the material is marked. Use of the phrase *"may contain CEII"* is not recommended due to the inexact nature of this designation.

4.1. **CEII Delineation within Documents**

PTOs have several options for redaction of CEII. One method is to remove CEII from within a study or report. This can be facilitated by writing the document with CEII materials within appendices or attachments, the rest of the document can remain free of protected information, and could be provided to the public without the need for a non-disclosure agreement, providing the CEII attachment is removed. When utilizing this method of redaction, PTOs should determine the best method to label the document and its attachments for CEII content.

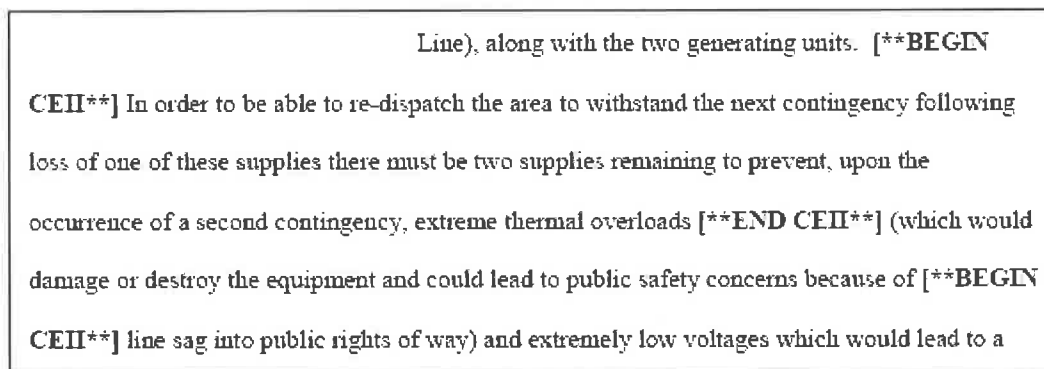
When moving materials to a separate section disrupts the flow of information, a second method is to redact CEII within the document. PTOs may utilize a “blacked-out” redaction process for sentences, phrases, etc. that cannot be easily moved to a separate appendix or attachment (see Figure 1).

Figure 1: Redacted CEII within a Document



PTOs should consider marking the non-redacted version of a document screened for CEII to show the location of CEII (see Figure 2). This will assist the recipients of the protected CEII version to understand where CEII must be redacted for public versions.

Figure 2: Non-Redacted Version with CEII Demarcation



4.2. Public Forums, Siting Councils, and Filings

Before making presentations in a public forum, it is recommended that all PTOs be cautious about the contents of their presentations. If a public forum requires the distribution of CEII materials, a PTO should have a process for identity verification (see Section 6 for more detail) and handling requests for access to CEII to ensure that recipients have been pre-screened and have signed the appropriate NDA.

Due to the large variation between regulatory bodies and hearings, PTOs should consult with their legal counsel to determine the appropriate level of confidential treatment, including seeking protective orders / protected treatment, non-disclosure agreements and intervening party agreements.

It is important for each individual PTO to protect CEII materials being given out to public forums, siting councils, zoning boards, etc. Frequently, these State and local councils, through the Freedom of Information Act (FOIA), must make meeting materials and filings public. Due to this issue, a PTO should consider gaining a State or local level of protection for CEII.

The suggested methodology for PTOs to protect information presented to and/or filed with State and local venues is to seek a Protective Order for the proceeding, and provide two versions of materials to the council: a redacted public version and a confidential CEII version that can only be used by the council at such time as the Protective Order is granted.

4.3. E-mail Labeling and Electronic Information Protection

While each PTO has individual information protection policies for confidential materials, it is important to update these policies, and any related training, to include information regarding protecting CEII.

If no policy exists relating to the protection of confidential information, a PTO may consider the following issues:

- E-mail transmission of protected materials:
 - Password protected Zip files
 - File and password sent separately
- Secure FTP transfer
 - FTP login and password sent separately
- Storage of CEII material on portable devices/media
 - Protect portable media through locked storage
 - Encryption of portable storage units such as laptops, PDAs, and flash drives
 - Keeping data on a secure network rather than on local computer hard drives
- Protect redacted materials in a manner that cannot be un-redacted, such as:
 - Scanning hard copies of redacted materials to PDF, rather than saving word processing files as PDF
 - Utilizing document protection and security functions within applications
- Intranet and network file access or security levels

4.4. CEII Disposal

CEII should be considered a form of company confidential information, and should, therefore, retain an equivalent level of care within each PTO. It is recommended that each PTO include a definition and expectation for CEII protection within company confidential information policies, including proper disposal methodology. Common methods of confidential information disposal include commercial shredding services, as well as the organization's own cross-shredding hardware. Electronic "shredding" programs and hardware may also be used to destroy CEII files.

Note: PTOs should consider a CEII disposal clause in their NDAs.

5. Role of the CEII Coordinator

Each PTO should designate a CEII Coordinator who will be responsible for the administration of the CEII process for that organization. This includes CEII procedures, the proper labeling of CEII and administration of non-disclosure agreements as set forth in applicable CEII procedures.

The CEII Coordinator should assist with developing processes to identify and label information as CEII when that information is intended to be a component of a submission to a legitimate agency/regulator/entity that may request or require such information.

The CEII Coordinator should also ensure the PTO is prepared to handle requests for information from other members of the public. These requests may ask for information already submitted to ISO New England, FERC, or other regulators. The CEII Coordinator should oversee the creation of, and implementation of a process by which the PTO may determine whether the requestor has a legitimate reason to have the information and, if so, has signed the appropriate NDA.

CEII materials can be shared by a PTO with anyone who has a legitimate reason for having the information, so long as that person has been verified and has signed an NDA prohibiting the release of such information to the public. FERC has stated previously that nothing in its CEII regulations is intended to cause companies to withhold providing information to interested parties, and FERC encourages voluntary arrangements for sharing information.¹²

The CEII Coordinator should assist with developing and maintaining policies and procedures to:

- Direct the process of identifying and marking CEII under the guidance provided in this Guideline and FERC regulations and orders.
- Coordinate administration of external requests for CEII, and the submission of CEII to ISO, FERC, siting councils, state regulatory commissions or other regulators, including NDA administration and/or a Protective Order.
- Identify the criteria to grant or deny requests for access to information containing CEII.

6. Release of CEII Materials

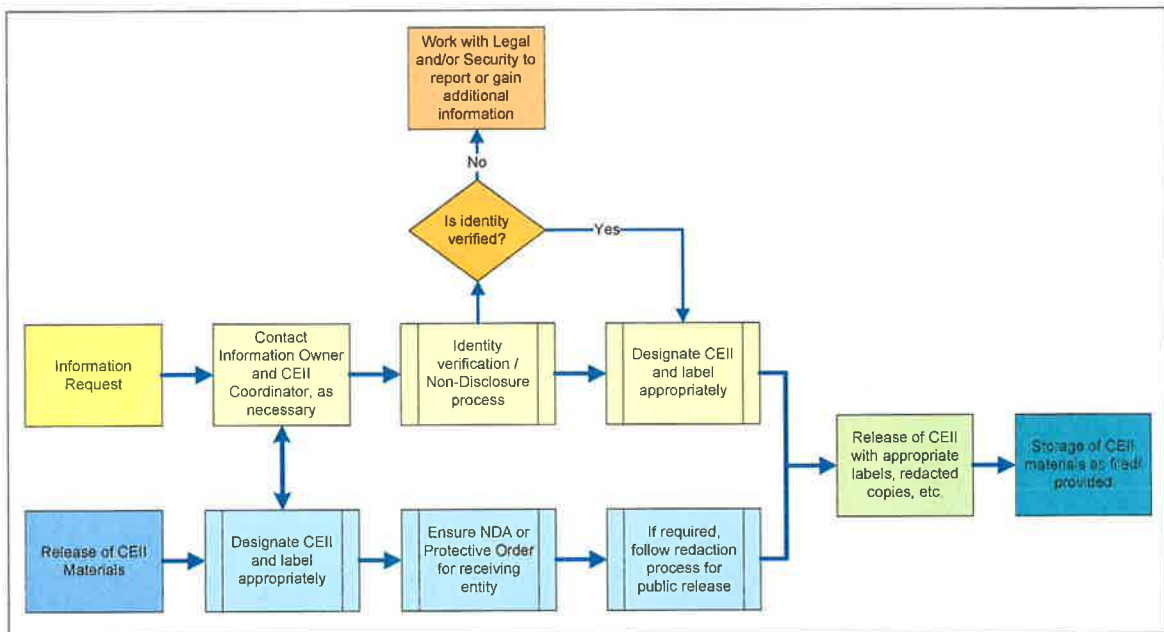
Material containing CEII may be released by a PTO to legitimate users outside of the organization or company. Examples of legitimate users include regulatory authorities, contractors, service providers, and affected parties in the general public. Information may be released:

- In response to an external request (i.e., through a public proceeding),
- In association with regulatory filings, and
- As a result of sharing information with service providers, contractors, and customers.

The PTO may need to perform a due diligence investigation regarding the legitimacy of a request or the legitimacy of the user and the user's need to know.

An overview of the recommended process for releasing CEII externally is illustrated in Figure 3.

¹² FERC Order No. 643, Paragraph 16

Figure 3: CEII Release Process

If the PTO identifies the need to release information externally, then the employee releasing CEII material should work with the information owner to verify whether the outgoing material contains CEII. This can be achieved by determining whether the material is marked as CEII or ensuring that the material is reviewed for possible CEII content.

If the PTO determines outgoing material contains CEII, then the PTO should have a process to ensure the recipient protects the information.

For external requests, such as those occurring through public proceedings, a PTO should use the following forms:

- CEII Request (see Attachments C, D, and E for reference CEII request forms)
- Identity Verification (see Attachments C, D, and E for reference CEII request forms)

A PTO may consider the following methods to verify the identity of CEII recipients:

- Internet search
- Calls to an employer to validate type of company and title of recipient
- Known professional contacts
- Background check release and execution

If a CEII recipient's identity has been misrepresented, a PTO should take measures, in coordination with internal security and legal departments, to ensure proper notification of appropriate legal authorities.

After legitimacy of need and the requestor's identity have been verified, the PTO may then use the PTO Non-Disclosure Agreement (see Attachments C, D, and E). By signing the NDA, the CEII recipient should agree to comply with all limitations on the use of CEII.

To release CEII material to regulatory agencies, those agencies should have in place existing methods of securing information within proceedings, such as a Protective Order. A PTO may seek a Protective Order to ensure the confidential treatment of CEII within the proceeding. In this instance, a PTO should expect to provide both public (redacted) and complete versions of all materials presented, thus allowing the agency to disclose non-protected information to the public.

6.1. CEII Tracking

A PTO should consider tracking systems (e.g., document management systems or relational databases) to store items such as CEII material released, CEII request forms, signed NDAs, identity verification forms, and/or Protective Orders.

6.2. CEII Exchange Between PTOs

PTOs may choose to enter into mutual agreements among themselves to facilitate exchanging and sharing information that may contain CEII. PTOs, particularly companies with adjacent service territories, have long established working relationships. As part of the normal course of business, electric system design, maintenance, and operations are performed collaboratively. It is in the best interest of the PTOs to be able to exchange relevant business related materials that may contain CEII in an efficient and unencumbered manner.

The basis for PTO to PTO agreements includes the following criteria:

- Each signing PTO must provide evidence of a CEII policy, procedure, and training/awareness program at signing (please refer to Section 7 for more information)
- Each signing PTO must label all shared documents that contain CEII
- Each PTO may still require individual NDAs as necessary

By signing an overarching agreement between companies, PTOs give mutual assurance that they will protect the other party's CEII with the same standard of care as they would protect their own. For a sample PTO to PTO agreement, please refer to Attachment F – Inter-PTO Sharing Agreement.

6.3. Releasing Third Party CEII to Requestors

If information requested has been created by a third party (not created by the entity receiving the request), the request recipient should either forward the request to the document creator, or give the requestor contact information from which the requested information may be acquired.

6.4. Contracts and Purchasing

PTOs should consider revision of contracts with vendors to ensure definition and protection of CEII. PTOs may wish to request specific CEII NDAs with contracted personnel on an individual basis.

In addition, PTOs should consider specifying the protection of CEII in regards to sub-contractors within their vendor contracts.

7. CEII Training

A PTO may consider providing training within the organization, such that personnel understand the basics of identifying and handling CEII. While each PTO will have its unique training program, some basic program elements may include::

- Definition and examples of CEII

- Criteria for CEII
- Labeling, redacting, and releasing CEII
- References for CEII guidance, such as FERC publications and internal resources
- Identification of the CEII Coordinator and the Coordinator's responsibilities within an organization
- Contact information for the CEII Coordinator
- Internal company CEII processes for all employees, including communication between areas of responsibility, including regulatory affairs, projects, legal counsel, etc.

PTOs may also consider an awareness program that could include periodic awareness publications, training refreshers, posters, etc.

PTOs should consider lessons learned, frequently asked questions, or tips within their organization to help ensure that CEII is identified as consistently as possible within the organization.

8. References

- FERC 18 CFR Parts 4, 16, 141 and 157 (Docket No. Docket No. RM03-6-000; Order No. 643) – Amendments to Conform Regulations With Order No. 630 (Critical Energy Infrastructure Information Final Rule – Issued July 23, 2003)
- 18 CFR Part 388 (Docket No. RM06-24-000; Order No. 683) – Critical Energy Infrastructure Information (Issued September 21, 2006)
- FERC 18 CFR Part 388 (Docket No. RM06-24-001; Order No. 683-A) – Critical Energy Infrastructure Information (April 9, 2007)
- FERC 18 CFR Part 388 (Docket No. RM06-23-000; Order No. 702) - Critical Energy Infrastructure Information (Issued October 30, 2007)
- FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII) – Available from FERC website
- FERC Order 890, "Preventing Undue Discrimination and Preference in Transmission Service" (February 16, 2007)
- FERC Order 890 Fact Sheet
- Comments from NERC on FERC Rule Regarding Critical Energy Infrastructure Information (Docket No. RM02-4-000, Docket No. PL02-1-000)
- NERC Glossary of Terms Used in Reliability Standards (4/20/2009)
- NERC Security Guidelines for the Electricity Sector (version 1.0, June 14, 2002):
"Protecting Potentially Sensitive Information,"
<http://www.esisac.com/publicdocs/Guides/V1-SensitiveData.pdf>
"Vulnerability and Risk Assessment, pg. 1 Applicability" (version 1.0, June 14, 2002)
<http://www.esisac.com/publicdocs/Guides/V1-VulnerabilityAssessment.pdf>
- NPCC Document A-7, "NPCC Glossary of Terms"
- NPCC Document A-10, "Classification of Bulk Power System Elements"
- NPCC Directory #2, "Emergency Operations"
- New England Participating Transmission Owner (PTO) Procedure for Disclosure of Critical Energy Infrastructure Information (CEII)
- USA Patriot Act of 2001 - H.R. 3162 (Sec. 1016. Critical infrastructures protection)

9. Summary of Changes**Revision 1**

This procedure has been modified to include:

- Information regarding CEII disposal
- Sharing of CEII between PTOs
- Additional guidance on identification, labeling, and communication of CEII
- Sharing of CEII with vendors and contractors
- Updated understanding of non-disclosure and protection of information within regulatory venues

Revision 0 (effective June 25, 2009)

None – This procedure is the original issue.

Attachment A, CEII Materials to Be Protected

The following information was developed through the cooperation of a PTO-AC working group and representatives from ISO-NE.

In addition, please refer to NERC Security Guidelines for the Electricity Sector, "Protecting Potentially Sensitive Information," version 1.0 (June 14, 2002) for determining if materials should be treated as CEII.

Maps/diagrams

What types of information require CEII labeling for maps/diagrams?

- Detailed representation of transmission components containing elements of high impact, Bulk Power System, Critical Facilities, Critical Assets, or Critical Cyber Assets (i.e., Breaker/transformer, with ratings, connections, etc.)

Note: Some distribution and generation interconnection diagrams may contain Bulk Power System, Critical Facilities, Critical Assets and Critical Cyber Assets information.

- Depiction of line ratings or transfer capability or bottlenecks for any Bulk Power System element or resource components: i.e., the output of analyses that illustrates or infers Bulk Power System problems under contingencies, such as might be used to technically substantiate needs for system improvements
- Maps and diagrams showing specific system elements related to nuclear facilities
- Underground gas line details

Note: Maps that might otherwise appear to be innocuous may contain legends that provide CEII-level detail. Example: Designating a nuclear facility versus a non-nuclear facility.

What types of maps/diagrams can be made public?

- One-line type representation of transmission lines (simple schematic one-lines, not the output of PSS/E or similar analysis software) that may include:
 - Voltage level(s): i.e., the nominal conductor ratings, not voltage problems
 - TO territory or ownership
- Geographic maps without technical details

Examples:

CEII marking required:

- Northeast 345kV system diagram (includes bus detail)
- Diagrams/maps submitted as part of the modeling info (assumes level of detail is such that it can be utilized for modeling purposes, but not known contingencies that would aid modeling of system problems)
- New England Regional System Plan (RSP) – RSP06 Northern and Southern Area Maps
- ISO-NE Detailed Price Node (PNode) diagram
 - Detailed diagram (marked as CEII because it contains detail of each substation with breaker, transformer, bus conditions, and generator location)

Public (no CEII demarcation):

- New England one-line diagram (no detail that requires protection)
- New England geographic and/or Geographic Transmission Map including topological transmission maps (not enough detail)
 - Exception for maps with generator type indicated (such as nuclear in the above list)
- ISO-NE General PNode diagram:
 - Versions of PNode diagrams without bus / breaker /transformer detail listed (similar to a basic one-line diagram)

Reports, data, etc.

Note: Reports that have sections designated as CEII should be labeled as containing CEII.

What aspects require CEII demarcation for this category?

- The inclusion of any of the protected maps from above in report
- Detailed descriptions of Bulk Power System components or protective schemes (i.e., relay and protection info, special protection system detail, substation design detail)
- Description of a specific Bulk Power System weakness or vulnerability
 - “Needs” description specifying the conditions or contingencies that lead to the need
 - Description of a justification for an alternative (indirect reference to weakness or vulnerability)
 - Market performance language that indirectly describes or relates to a specific weakness or vulnerability in the bulk power system
 - Powerflow cause and effect description
 - Powerflow data

Examples:**CEII marking required:**

- Load Power Factor Studies and Audit Results
- Sections 2, 3 and 6 of Form 715
- Portions of Capacity, Energy, Loads, and Transmission (CELT) report that include technical detail as noted above
- Detailed System disturbance/event follow-up/Blackout report (describes vulnerability)
- Market/Reliability event related to a system disturbance (describes vulnerability)
- Annual Maintenance Schedule (can be used to derive vulnerability as it incorporates forecast of capacity shortcoming)
- Transmission Maintenance Schedule (can be used to derive vulnerability)
- Reliability Agreement info (i.e., Southwest CT Gap info – depicts needs)
- Study analysis (depicts needs or vulnerability):
 - Maine Power Reliability Program (MPRP)

- Southeastern Massachusetts Reliability Region (SEMA)
- Millstone Severe Line Outage Detector (SLOD) Special Protection System (SPS) Stability Report
- Data/info submittals (detailed engineering data):
 - NX-9
 - NX-11
 - I.3.9

Public (no CEII demarcation):

- Generic Interface Constraints spreadsheet
- Claimed Capability Report (lacks detail)
- Installed Capacity Requirement (ICR) report
- Financial Transmission Rights (FTR) related reports
- Contingency definitions spreadsheet (detailed, yet may lack value unless coupled with results – case by case basis)
- Line and ZBR Definitions spreadsheet (detailed, yet may lack value unless coupled with results – case by case basis)
- Monthly Interface Limits spreadsheet (only depicts limits with no detail)

Critical Infrastructure Protection

Any materials classified as protected CIP information through the PTO's CIP methodologies and processes are CEII, but are subject to specific handling restrictions as detailed in the NERC CIP Standard Requirements.

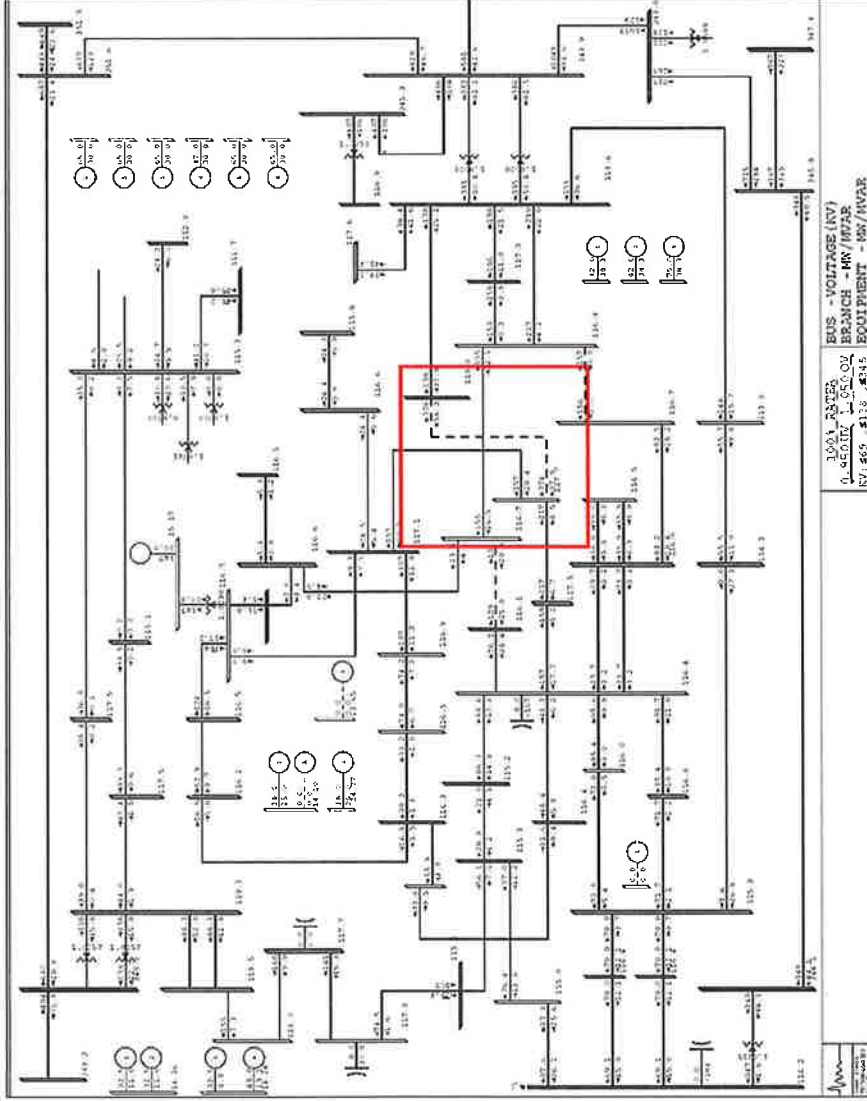
Attachment B – Illustrative Examples of CEII

Please note: the information in this section has been changed only to exclude specific company information.

The following examples refer to specific instances in which CEII has been redacted for public release.

Example 1

- One-line diagrams depicting the results of thermal analysis showing overvoltage:



Example 3

- Detailed descriptions of contingencies and system weaknesses, such as those within a project petition or application:
Note: Items in RED ITALIC TEXT have been replaced with generic information.

PROJECT BACKGROUND

This proposed Project resolves future contingency overloads on the existing transmission system that could occur if both the 310 and the 368 circuits were out-of-service together. Each is a 345-kV circuit.

A comprehensive 10-year load-flow analysis conducted by **COMPANY NAME** and **ISO** revealed that during times when **STATE** imports are high and both **GENERATION** are on line, loss of both the **CIRCUIT #** circuit from **SPECIFIC SUBSTATION AND LOCATION #1** to **SPECIFIC SUBSTATION AND LOCATION #2** and the **CIRCUIT #** circuit from **GENERATION** to **SPECIFIC SUBSTATION AND LOCATION #2** would cause other 345-kV lines to be loaded above their Long Time Emergency (“LTE”) ratings.

The table below shows the contingency load-flow results that would not satisfy **RRO**, **ERO**, **ISO** and **COMPANY** reliability standards, when the **CIRCUIT #** and **CIRCUIT #** circuits are out-of-service at the same time.

Monitored Line		Flow before second circuit trips	Flow after second circuit trips	LTE Rating	% rating
From Bus	To Bus	Circuit #	MVA	MVA	
<i>Specified From Bus</i>	<i>Specified To Bus</i>	<i>Circuit #</i>	1116.8	1793	110
<i>Specified From Bus</i>	<i>Specified To Bus</i>	<i>Circuit #</i>	1158.3	1912	108
<i>Specified From Bus</i>	<i>Specified To Bus</i>	<i>Circuit #</i>	1195.9	2114.2	107
<i>Specified From Bus</i>	<i>Specified To Bus</i>	<i>Circuit #</i>	1148.5	1920.2	97

Attachment C, Sample CEII Request Form #1

CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”) REQUEST INSTRUCTIONS

The attached form is intended to facilitate your request for information that is classified by COMPANY as CEII. For your information, the Federal Energy Regulatory Commission (“FERC”) has defined CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure.”

The attached form is intended to cover discrete requests for information, including participation in limited purpose working groups (e.g., formed to complete a transmission study). For access to secure portions of COMPANY’s website, like those for the COMMITTEE and the COMMITTEE, please refer to those sections of the website.

In order for COMPANY to consider your request, you must complete, sign, date and return the following forms:

1. CEII Request Form
2. Non-Disclosure Agreement (unless you are employed by a Governance or Market Participant and registered as a “Person” under that Participant in COMPANY’s Customer and Asset Management System or you are an employee of FERC, in which cases the COMPANY Information Policy applies)

Please understand that changes to these documents are not permissible due to the volume of requests we receive and to ensure that all entities are treated fairly and equally.

Each of these forms requires you to identify yourself as: a registered employee of a Governance or Market Participant; an employee of another COMPANY TYPE or RTO; a state agency employee; a federal agency employee; an employee of an electric reliability organization or regional entity; an employee of a transmission owner in another region; a consultant for one of the foregoing entities; or “other.” Note that it is less likely that COMPANY will grant the request of an individual in the latter category, given the sensitive nature of CEII.

Please note that these requests are individual and each person within an entity or organization who will access the CEII must complete these forms.

Finally, note that COMPANY will not act upon your request until these steps are completed. When these steps are completed and reviewed, COMPANY will forward the relevant information to you.

PLEASE BE ADVISED THAT THE DISCLOSURE OF CEII TO YOU IS DISCRETIONARY, AND COMPANY MAY REJECT YOUR REQUEST FOR ANY REASON.

Any questions regarding this CEII Request Form may be directed to Customer Services at 413-540-4220. All correspondence, including the completed forms, should be mailed or faxed to COMPANY, Attention: ADDRESS.

**CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”)
REQUEST FORM**

1. This form must be accompanied by an original signed Non-Disclosure Agreement, unless you are a registered employee of a Governance Participant (as indicated below) or FERC, in which case the COMPANY Information Policy applies. If you have already signed a CEII Non-Disclosure Agreement, please provide the date: _____

2. The undersigned requests the following information [describe in detail]:

3. The undersigned is:
 - employed by a Governance Participant or Market Participant and registered as a “Person” under that Participant in COMPANY’s Customer and Asset Management System
 - an employee of another independent system operator or regional transmission organization in North America
 - a state agency employee
 - a federal agency employee
 - an employee of the electricity reliability organization or regional entity
 - an employee of a transmission owner in another control area
 - a consultant of one of the entities listed above who has been retained to provide advice regarding the matter described in no. 5 below
 - other (note that COMPANY is less likely to grant the request of persons in this category)

4. Give the name of your employer and your title: _____

5. The undersigned represents warrants and agrees that the information is to be used solely for the following purpose [describe in detail]: _____

6. If you are a consultant, provide the name and contact information of an individual at the organization that has retained you so that we may verify your role: _____

7. If you are in the “other” category, please provide the name and contact information of an individual at COMPANY or one of the entities listed in no. 3 who may verify the legitimacy of your request: _____

I acknowledge that the foregoing is true and accurate, and agree to give COMPANY immediate notice if any of the foregoing is no longer true. I also consent to COMPANY sharing the fact that this request has been made and/or granted, and agree that COMPANY shall have no liability to me in connection with this request.

Signature: _____ Name (please print): _____

Organization: _____ Business Address: _____

Email: _____ Phone: _____

Fax: _____ Date: _____

CEII NON-DISCLOSURE AGREEMENT

This CEII NON-DISCLOSURE AGREEMENT (the "Agreement") is made by the undersigned (the "Recipient") in favor of COMPANY ("COMPANY"), with its primary address located at One Sullivan Road, Holyoke, MA 01040.

WHEREAS, the Recipient has requested that COMPANY disclose to the Recipient certain information, all or a portion of which may be classified by COMPANY as Critical Energy Infrastructure Information; and

WHEREAS, the Federal Energy Regulatory Commission has defined Critical Energy Infrastructure Information as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure";

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Recipient agrees as follows:

1. Definition of CEII. For purposes of this Agreement, "Critical Energy Infrastructure Information" or "CEII" shall mean: (i) all information designated as such by COMPANY, whether furnished before or after the date hereof, whether oral, written or recorded/electronic, and regardless of the manner in which it is furnished; and (ii) all reports, summaries, compilations, analyses, notes or other information which contain such information.

2. Use and Protection of CEII.

(a) All CEII shall be maintained by Recipient in a secure place. Recipients may make copies of CEII, but such copies become CEII and subject to these same procedures. Recipients may make notes of CEII, which shall be treated as CEII if they contain CEII.

(b) Although a Recipient of CEII may use CEII as foundation for advice provided to his or her employer or clients, s/he may only discuss CEII with or disclose CEII to another Recipient of the identical CEII. A Recipient may check with COMPANY to determine whether another individual is a Recipient of the identical CEII.

(c) A Recipient will not knowingly use CEII directly or indirectly for an illegal or non-legitimate purpose.

(d) In the event that the Recipient is required to disclose CEII by subpoena, law or other directive of a court, administrative agency or arbitration panel, the Recipient hereby agrees to provide COMPANY with prompt notice of such request or requirement in order to enable COMPANY to (i) seek an appropriate protective order or other remedy, (ii) consult with the Recipient with respect to taking steps to resist or narrow the scope of such request or legal process, or (iii) waive compliance, in whole or in part, with the terms of this Agreement. In the event that such protective order or other remedy is not obtained, or COMPANY waives compliance with the provisions hereof, the Recipient hereby agrees to furnish only that portion of the CEII which the Recipient's counsel advises is legally required and to exercise best efforts to obtain assurance that confidential treatment will be accorded such CEII.

3. Return of CEII. In the event that COMPANY, in its sole discretion, so requests, the Recipient will promptly deliver to COMPANY all CEII, including all copies, reproductions, summaries, compilations, analyses or extracts thereof.

4. Disposal of CEII. The recipient of CEII, at such time as s/he no longer needs the information, should dispose of that information as s/he would any other confidential information, such as shredding or a commercial shredding service.

5. Change in Status. If the information provided to COMPANY in Recipient's request for CEII changes (e.g., Recipient leaves his or her employ, the consulting engagement cited in the request is terminated, Recipient's employer is no longer a Governance Participant) s/he must inform COMPANY immediately in writing at the address first given above (Attention: Customer Services). COMPANY may require the return of the CEII or its destruction.

6. CEII "on Loan". Information provided pursuant to this Agreement is deemed to be on loan and must be returned to COMPANY upon request. If the Recipient is an employee of a federal or State agency, s/he must note that the information is not the property of the agency and is not subject to Freedom of Information/Public Records acts or similar statutes.

7. No Warranty. The CEII is provided "as is" with all faults. In no event shall COMPANY be liable for the accuracy or completeness of the CEII. COMPANY shall not have liability to the Recipient, or any other person or entity, for the Recipient's use of any CEII disclosed pursuant to this Agreement.

8. Equitable Relief; Audit. Without prejudice to the rights and remedies otherwise available to COMPANY, COMPANY shall be entitled to seek equitable relief by way of injunction or otherwise if the Recipient breaches or threatens to breach any of the provisions of this Agreement. COMPANY may audit the Recipient's compliance with this Agreement.

9. Survival. The Recipient remains bound by these provisions unless COMPANY rescinds the CEII designation.

10. No Waiver. The Recipient understands and agrees that no failure or delay by COMPANY in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power or privilege hereunder.

11. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts without regard to its conflicts of laws principles.

12. Assignment Prohibited. Any assignment of the Recipient's rights, obligations or duties under this Agreement without COMPANY's prior written consent shall be void.

13. Entire Agreement. This Agreement contains the entire agreement between the parties concerning the protection of the CEII, and no modification of this Agreement or waiver of the terms and conditions hereof shall be binding upon the parties, unless approved in writing by each of them.

14. Severability. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF, the Recipient has executed this CEII Non-Disclosure Agreement as of the date set forth below.

Signature: _____

Name (please print): _____

Date:

Organization:

Address:

Attachment D, Sample CEII Request Form #2

CEII NON-DISCLOSURE AGREEMENT

This CEII NON-DISCLOSURE AGREEMENT (the "Agreement") is made by the undersigned (the "Recipient") in favor of COMPANY as agent for one or more of its affiliates (collectively, the Company).

WHEREAS, the Recipient has requested that the Company disclose to the Recipient certain information, all or a portion of which has been classified as Critical Energy Infrastructure Information; and

WHEREAS, the Federal Energy Regulatory Commission has defined Critical Energy Infrastructure Information as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure";

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Recipient agrees as follows:

1. Definition of CEII. For purposes of this Agreement, "Critical Energy Infrastructure Information" or "CEII" shall mean: (i) all information designated as such by FERC, or the Company, whether furnished before or after the date hereof, whether oral, written or recorded/electronic, and regardless of the manner in which it is furnished; and (ii) all reports, summaries, compilations, analyses, notes or other information which contain such information.

2. Use and Protection of CEII.

(a) All CEII shall be maintained by Recipient in a secure place. Recipients may make copies of CEII, but such copies become CEII and subject to these same procedures. Recipients may make notes of CEII, which shall be treated as CEII if they contain CEII.

(b) Although a Recipient of CEII may use CEII as foundation for advice provided to his or her employer or clients, s/he may only discuss CEII with or disclose CEII to another Recipient of the identical CEII. A Recipient may check with the Company to determine whether another individual is a Recipient of the identical CEII.

(c) A Recipient will not knowingly use CEII directly or indirectly for an illegal or non-legitimate purpose.

(d) In the event that the Recipient is required to disclose CEII by subpoena, law or other directive of a court, administrative agency or arbitration panel, the Recipient hereby agrees to provide the Company with prompt notice of such request or requirement in order to enable the Company to (i) seek an appropriate protective order or other remedy, (ii) consult with the Recipient with respect to taking steps to resist or narrow the scope of such request or legal process, or (iii) waive compliance, in whole or in part, with the terms of this Agreement. In the event that such protective order or other remedy is not obtained, or the Company waives compliance with the provisions hereof, the Recipient hereby agrees to furnish

only that portion of the CEII which the Recipient's counsel advises is legally required and to exercise best efforts to obtain assurance that confidential treatment will be accorded such CEII.

3. Return of CEII. In the event that the Company, in its sole discretion, so requests, the Recipient will promptly deliver to the Company all CEII, including all copies, reproductions, summaries, compilations, analyses or extracts thereof.

4. Disposal of CEII. The recipient of CEII, at such time as s/he no longer needs the information, should dispose of that information as s/he would any other confidential information, such as shredding or a commercial shredding service.

5. Change in Status. If the Recipient ceases to be a party or intervenor in the siting proceeding to which the CEII provided hereunder relates, the Company may require the return of the CEII or its destruction.

6. CEII "on Loan". Information provided pursuant to this Agreement is deemed to be on loan and must be returned to the Company upon request. If the Recipient is an employee of a federal or State agency, s/he must note that the information is not the property of the agency and is not subject to Freedom of Information/Public Records acts or similar statutes.

7. No Warranty. The CEII is provided "as is" with all faults. In no event shall the Company be liable for the accuracy or completeness of the CEII. The Company shall not have liability to the Recipient, or any other person or entity, for the Recipient's use of any CEII disclosed pursuant to this Agreement.

8. Equitable Relief; Audit. Without prejudice to the rights and remedies otherwise available to the Company, the Company shall be entitled to seek equitable relief by way of injunction or otherwise if the Recipient breaches or threatens to breach any of the provisions of this Agreement. The Company may audit the Recipient's compliance with this Agreement.

9. Survival. The Recipient remains bound by these provisions unless the Company has rescinded it.

10. No Waiver. The Recipient understands and agrees that no failure or delay by the Company in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power or privilege hereunder.

11. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the [State or Commonwealth in which the siting proceeding is pending.]

12. Assignment Prohibited. Any assignment of the Recipient's rights, obligations or duties under this Agreement without the Company's prior written consent shall be void.

13. Entire Agreement. This Agreement contains the entire agreement between the parties concerning the protection of the CEII, and no modification of this Agreement or waiver of the terms and conditions hereof shall be binding upon the parties, unless approved in writing by each of them.

14. Severability. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF, the Recipient has executed this CEII Non-Disclosure Agreement as of the date set forth below.

Signature: _____

Name (please print):

Date:

Organization:

Address:

SECTION II

CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”) REQUEST FORM

2. This form must be accompanied by an original signed Non-Disclosure Agreement, and should be used if you are a party or intervenor in a siting proceeding and are not employed by COMPANY or a federal or state agency. If you have already signed a CEII Non-Disclosure Agreement, please provide the date and purpose: _____
2. The undersigned requests the following information [describe in detail, including reason for request]: _____
3. The undersigned is:
 - a party or intervenor in [SHORT CAPTION OF PROCEEDING] having been admitted as such on _____.
 - an employee of COMPANY or an independent system operator or a regional transmission organization in North America
 - a state agency employee
 - a federal agency employee
 - an employee of the electricity reliability organization or regional entity
 - an employee of a transmission owner in this or another control area
 - a consultant of one of the entities listed above who has been retained to provide advice regarding the matter described in no. 5 below
4. Give the name of your employer and your title: _____
5. The undersigned represents warrants and agrees that the information is to be used solely for the following purpose [describe in detail]: _____
6. If you are a consultant, provide the name and contact information of an individual at the organization that has retained you so that we may verify your role: _____

I acknowledge that the foregoing is true and accurate, and agree to give COMPANY Service Company immediate notice if any of the foregoing is no longer true. I also consent to COMPANY and its affiliated companies sharing the fact that this request has been made and/or granted, and agree that COMPANY and its parent and affiliated companies shall have no liability to me in connection with this request.

Signature: _____

Name (please print): _____

Organization: _____

Business Address: _____

Email: _____

Phone: _____

Fax: _____

Date: _____

Attachment E – Example Identity Verification Form

COMPANY NAME CEII Identify Verification Form

The attached form is designed to facilitate your request for information that is classified by COMPANY NAME as CEII. For your information, the Federal Energy Regulatory Commission (“FERC”) has defined CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure.”

The attached form covers discrete requests for information, including participation in limited purpose working groups (e.g., formed to complete a transmission study). For access to the NEPOOL Reliability Committee (RC) and the Planning Advisory Committee (PAC) planning documents, please refer to the Independent System Operator – New England (ISO-NE) website.

In order for COMPANY NAME to consider your request, you must complete, sign, date and return the following forms:

1. COMPANY NAME CEII Non-Disclosure Agreement (unless you are employed by FERC or COMPANY NAME)
2. COMPANY NAME CEII Identity Verification Form (unless you are employed by FERC or COMPANY NAME)

Please understand that changes to these documents are not permissible due to the volume of requests we receive and to ensure that all entities are treated fairly and equally.

Each of these forms requires you to identify yourself as: a registered employee of a Governance or Market Participant; an employee of an ISO or RTO; a state agency employee; a federal agency employee; an employee of an electric reliability organization or regional entity; an employee of a transmission owner in this or another region; a consultant for one of the foregoing entities; or “other.”

Please note that these requests are individual and each person within an entity or organization who will access the CEII must complete these forms.

Finally, note that COMPANY NAME will not act upon your request until these steps are completed. When these steps are completed and reviewed, COMPANY NAME will forward the relevant information to you.

PLEASE BE ADVISED THAT THE DISCLOSURE OF CEII TO YOU IS DISCRETIONARY, AND COMPANY NAME MAY REJECT YOUR REQUEST FOR ANY REASON.

Any questions regarding this CEII Request Form may be directed to the CEII Coordinator at CONTACT INFORMATION. All correspondence, including the completed forms, should be mailed or faxed to COMPANY CONTACT INFORMATION.

CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”)
REQUEST FORM RELEASE – IDENTITY VERIFICATION

1. This form must be accompanied by an original signed Non-Disclosure Agreement, and should be used if you are a party or intervenor in a siting proceeding and are not employed by Northeast Utilities or a federal or state agency. If you have already signed a CEII Non-Disclosure Agreement, please provide the date and purpose:
2. The undersigned requests the following information [describe in detail, including the reason for the request]:
3. The undersigned represents warrants and agrees that the information is to be used solely for the following purpose [describe in detail]:
4. If you are a consultant, provide the name and contact information of an individual at the organization that has retained you so that we may verify your role:

Name:

Organization:

Title at Organization:

Business Address:

Email:

Phone:

Fax:

Identity Verification Approver (of COMPANY NAME):

COMPANY NAME - INTERNAL USE ONLY

Note: Please do not send this section of the form to NDA recipients

Identity Verification Process for CEII Requester

Checklist for Included Information:

All NDA and Identity Verification Form Information has been properly filled out.

(if no, please resend the forms indicating where missing information is needed)

The "reason for request" is included (CEII Non-Disclosure Form Question #2) and corresponds with COMPANY NAME material.

Verification Process:

Ask COMPANY NAME personnel involved in the subject of the request if they are familiar with this individual.

(if no company is listed, verify the requestor is a town resident – this may require checking through town records)

Call the requestor's employer and speak to a general administrative assistant or locate the directory. Speak to an individual from the requestor's employer (this could be a general receptionist or someone in HR) to verify that the individual works for that company in the position indicated on the form.

Note: Identify yourself as COMPANY NAME personnel attempting to verify the identity of a requestor for protected information. If there is an issue, contact COMPANY NAME Legal department.

Please record the name of the individual you spoke to in this form:

Approval signature and Date of Approval:

After approval, send the properly labeled information to the requestor.

Attachment F – Inter-PTO Sharing Agreement

COMPANY NAME

CEII Non-Disclosure Agreement

CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”)

For your information, the Federal Energy Regulatory Commission (“FERC”) has defined CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure.”

The request form covers all requests for information, including participation in limited purpose working groups (e.g., formed to complete a transmission study). In order for COMPANY NAME to consider your request, you must complete, sign, date and return a CEII Request Form for each discrete document. For access to the NEPOOL Reliability Committee (RC) and the Planning Advisory Committee (PAC) planning documents, please refer to the Independent System Operator – New England (ISO-NE) website.

The attached Non-Disclosure Agreement constitutes a blanket agreement. Please understand that changes to these documents are not permissible due to the volume of requests we receive and to ensure that all entities are treated fairly and equally. COMPANY NAME will accommodate requests for CEII from Participating Transmission Owners as defined in the Participating Transmission Operating Agreement. The attached Non-Disclosure Agreement must be executed by a corporate officer of a transmission owner. Please note that COMPANY NAME will not act upon your request until these steps are completed. When these steps are completed, reviewed, and accepted by COMPANY NAME, it will forward relevant information to you or the delegated employees of your company as set forth in the Non-Disclosure Agreement.

PLEASE BE ADVISED THAT THE DISCLOSURE OF CEII TO YOUR COMPANY IS DISCRETIONARY, AND COMPANY NAME MAY REJECT ANY REQUEST FOR ANY REASON.

Any questions regarding this CEII Request Form may be directed to the CEII Coordinator at CONTACT INFORMATION. All correspondence, including the completed forms, should be mailed or faxed to COMPANY CONTACT INFORMATION.

PTO-AC MEMBER CEII NON-DISCLOSURE AGREEMENT

This PTO- AC MEMBER CEII NON-DISCLOSURE AGREEMENT (the "Agreement") is made by and between the _____ (the "Recipient") in favor of COMPANY NAME (the "Company").

WHEREAS, both Recipient and the Company are Participating Transmission Owners pursuant to the Transmission Operating Agreement, dated February 1, 2005, and as may be amended from time to time; and

WHEREAS, the Recipient has requested that the Company disclose to the Recipient certain information, all or a portion of which has been classified as Critical Energy Infrastructure Information; and

WHEREAS, the Federal Energy Regulatory Commission has defined Critical Energy Infrastructure Information as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure"; and

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties do hereby agree as follows:

1. Definition of CEII. For purposes of this Agreement, "Critical Energy Infrastructure Information" or "CEII" shall mean: (i) all information designated as such by FERC, or the Company, whether furnished before or after the date hereof, whether oral, written or recorded/electronic, and regardless of the manner in which it is furnished; and (ii) all reports, summaries, compilations, analyses, notes or other information which contain such information.
2. Upon receipt of CEII materials pursuant to this agreement Recipient agrees to ensure that all documents received hereunder contain a label with the following statement: "Contains CEII". In the event that a document containing CEII is received by Recipient that does not contain such label, Recipient agrees to cause such label to be placed on such document.
3. Recipient agrees not to distribute CEII documents received pursuant to this agreement to its corporate employees unless such employees have a need to know or legitimate business purpose for such documents.
4. Recipient agrees that corporate employees receiving CEII documents distributed pursuant to this agreement are bound by the obligations of this Agreement.
5. Recipient warrants and represents that its Organization's employees who are distributed CEII pursuant to this Agreement are aware of the confidential nature of CEII, will adhere to applicable company procedures regarding CEII, and have completed a CEII training/awareness program. Evidence of this training program may be requested upon signing this agreement. Recipient further warrants and represents that it has adopted the PTO-AC CEII Guidelines as may be modified from time to time, or a substantially similar CEII policy or procedure.
6. Use and Protection of CEII. "Recipient" is any and all persons granted access to CEII furnished pursuant to this Agreement.

(a) All CEII shall be maintained by Recipient in a secure place. Recipients may make copies of CEII, but such copies shall be deemed CEII and subject to the requirements of this Agreement as if received directly from COMPANY NAME..

(b) Recipient may only discuss CEII with or disclose CEII to another entity privy to the identical CEII material. A Recipient may check with the Company to determine whether another individual or entity has been given access to specific CEII material.

(c) Recipient shall not intentionally or willfully use CEII directly or indirectly for an illegal or non-legitimate business purpose.

(d) In the event that the Recipient is required to disclose CEII by subpoena, law or other directive of a court, administrative agency or arbitration panel, the Recipient hereby agrees to provide the Company with prompt notice of such request or requirement in order to enable the Company to (i) seek an appropriate protective order or other remedy, (ii) consult with the Recipient with respect to taking steps to resist or narrow the scope of such request or legal process, or (iii) waive compliance, in whole or in part, with the terms of this Agreement. In the event that such protective order or other remedy is not obtained, only that portion of the CEII which the Recipient's counsel advises is legally required and to exercise best efforts to obtain assurance that confidential treatment will be accorded such CEII.

7. Return of CEII. In the event that the Company, in its sole discretion, so requests, the Recipient will promptly deliver to the Company all CEII, including all copies, reproductions, summaries, compilations, analyses or extracts thereof.

8. Disposal of CEII. The recipient of CEII, at such time as s/he no longer needs the information, should dispose of that information as s/he would any other confidential information, such as shredding or a commercial shredding service.

9. CEII "on Loan". Information provided pursuant to this Agreement is deemed to be on loan and must be returned to the Company upon request.

10. No Warranty. The CEII is provided "as is" with all faults. In no event shall the Company be liable for the accuracy or completeness of the CEII. The Company shall not have liability to the Recipient, or any other person or entity, for the Recipient's use of any CEII disclosed pursuant to this Agreement.

11. Equitable Relief; Audit. Without prejudice to the rights and remedies otherwise available to the Company, the Company shall be entitled to seek equitable relief by way of injunction or otherwise if the Recipient breaches or threatens to breach any of the provisions of this Agreement. The Company may audit the Recipient's compliance with this Agreement.

12. Survival. In the event of termination of this Agreement for any reason, CEII materials released to Recipient pursuant to this agreement shall remain subject to the terms and conditions of this Agreement until they are returned to Company, or have been destroyed pursuant to the requirements of the PTO AC CEII Guidelines.

13. No Waiver. The Recipient understands and agrees that no failure or delay by the Company in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power or privilege hereunder.

14. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the [State or Commonwealth in which the siting proceeding is pending.]

15. **Assignment Prohibited.** Any assignment of the Recipient's rights, obligations or duties under this Agreement without the Company's prior written consent shall be void.

16. This agreement will expire on December 31, 2012.

17. **Entire Agreement.** This Agreement contains the entire agreement between the parties concerning the protection of the CEII, and no modification of this Agreement or waiver of the terms and conditions hereof shall be binding upon the parties, unless approved in writing by each of them.

18. **Severability.** If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF, the Recipient has executed this CEII Non-Disclosure Agreement as of the date set forth below.

Signature: _____

Name (please print): _____

Date: _____

Organization: _____

Address: _____

EXHIBIT E
To Memorandum in Support of
Motion for Protective Order



Transmission



**Administrative
Procedure**

**Identification, Protection, and Labeling of
CEII Materials**

M3-RC-2201, Rev. 0

Approval Signature: *Karl Tammar*

Process Karl Tammar

Effective

Owner: Manager-Reliability Compliance

Date: 12/16/2009

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Proprietary and Confidential • All Rights Reserved
107 Selden Street • Berlin, CT
Phone 860-665-5000 • Fax 860-665-5225

Table of Contents

1. Purpose	2
2. Background and Scope	2
2.1. Defining CEII	3
2.2. Scope of CEII	3
2.2.1. External Trusted Parties	4
2.2.2. Critical Infrastructure Protection (CIP) Confidential Information	4
3. Roles and Responsibilities	5
4. Process Steps	8
4.1. Protection of CEII Materials in Filings and Submissions	8
4.2. Handling Requests for Protected Information	10
4.3. Determination of CEII Content	12
4.4. Labeling and Redaction of CEII	12
4.4.1. Information Protection	12
4.4.2. Verbal versus Written CEII	14
4.4.3. Electronic Information Protection	15
4.4.4. Retroactive Labeling of CEII	15
4.4.5. ISO-NE Methodology for Presenting CEII	15
4.5. Contract Administration	15
5. Administrative Information	16
5.1. Requirements	16
5.2. Definitions	16
5.3. References	17
6. Summary of Changes	19
Attachment A, Identified Common CEII Materials	20
Attachment B, Examples of CEII and Non-CEII Documents	23

1. Purpose

This procedure defines the methods and rules by which Northeast Utilities (NU) Transmission will identify, protect, and label Critical Energy Infrastructure Information (CEII).

CEII refers to confidential information vital to critical electric operations, transmission, generation, and distribution that, if utilized by someone wishing to do harm, could facilitate disabling the Bulk Electric System.

This document will:

- Assist NU personnel in determining the kinds of internal information considered to be CEII,
- Provide guidance on properly protecting and marking such information,
- Describe a process under which third parties may be granted access to CEII, and
- Identify the role of NU personnel in the protection of CEII.

2. Background and Scope

Following the terrorist attacks of September 11, 2001, concern arose regarding the handling of Critical Energy Infrastructure Information at FERC and other Federal agencies. On October 11, 2001, the FERC issued a Policy Statement removing maps and diagrams that could provide useful information to terrorists planning attacks on energy infrastructure from the public reference room.¹

Between 2003 and 2007, FERC established detailed procedures and clarification for the filing and access to CEII.

While CEII designation is an important component of information protection, FERC has also indicated that Transmission Owners (TO) should "increase transparency and customer access to information."² In addition, FERC has indicated that the over-use of CEII labeling will be penalized.³ Thus, it is imperative that TOs do not overuse the CEII designation to restrict access to data that should otherwise be available for public scrutiny. It is also critical that TOs have consistent CEII policies and procedures to prevent confusion and contradiction among CEII requestors and providers.

To further understand CEII, it is important to gain a full scope of the definition of what comprises CEII.

¹ FERC Docket No. PL02-1 – Treatment of Previously Public Documents (October 11, 2001)

² FERC Order 890 Fact Sheet

³ FERC 18 CFR Part 388 (Docket No. RM06-24-000; Order No. 683) – Critical Energy Infrastructure Information (Issued September 21, 2006)

2.1. Defining CEII

It is important to note that CEII should be defined and treated as a form of Confidential Information in accordance with NU policies and procedures. CEII is vital to security on several levels; by protecting CEII materials, NU is able to protect assets critical in the Bulk Power System.

CEII

FERC defines CEII as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or electronic) that: (1) relates details about the production, generation, transmission, or distribution of energy; (2) could be useful to a person planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) gives strategic information beyond the location of the critical infrastructure."⁴

Examples of CEII:

- "Narratives such as general descriptions of facilities and processes are public. However, if there are specific engineering, design or operational details of a critical infrastructure in narrative form, the information may be CEII or privileged."⁵
- "Engineering, security, and detailed design information about proposed or existing critical infrastructure. Examples of CEII include detailed drawings and specifications, dam safety and technical reports, emergency action plans, hazard classification, construction design reports, public safety plans, and extreme event reports."⁶

For more definitions of terms, see Section 5.2.

2.2. Scope of CEII

The scope of this procedure is limited to those documents that are being sent outside of NU, such as regulatory filings, siting council filings, information needed by third party vendors pursuant to a contractual relationship, and external information requests.

It is important to note that those NU personnel who interface with the public or third party vendors regarding projects and Public Relations that may have knowledge of, or intend to share, information that may be considered CEII are also included in the scope of the CEII process. Before introducing materials in a public forum, documents should be reviewed for potential CEII content in accordance with this procedure. CEII may be made available to third parties and intervenors in state administrative and court proceedings related to the planning process, such as proceedings before siting and permitting authorities

⁴ FERC 18 CFR Part 388 (Docket No. RM06-24-000; Order No. 683) – Critical Energy Infrastructure Information (Issued September 21, 2006)

⁵ FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII)

⁶ FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII)

and public utility commissions, and third parties that have contracted to perform or work for, or on behalf of, NU.

The CEII Coordinator can be reached at CEII@nu.com, or at (888) 456-2424 (internal extension x2902).

2.2.1. External Trusted Parties

Where information sharing is part of existing processes, NU may still disclose information to trusted parties, such as Northeast Power Coordinating Council (NPCC), North American Electric Reliability Corporation (NERC), Independent System Operator – New England (ISO-NE), and partner utilities without utilizing additional non-disclosure agreements (NDA).

2.2.2. Critical Infrastructure Protection (CIP) Confidential Information

Where CEII is protecting various types of detailed engineering information being released to the public, the NERC Critical Infrastructure Protection (CIP) Standards require more stringent protection for specific types of documents. However, in terms of release of information, any NU CIP-Confidential information shall be treated in the same manner as CEII.

For more information about CIP information protection, please refer to the procedures CIP-2501, "Classify CIP Information," and CIP-2502, "CIP Information Protection Program."

3. Roles and Responsibilities

Information Owner

The Information Owner is the originator of information that may contain CEII, such as documents, studies, or procedures that may contain CEII. The Information Owner is a subject matter expert regarding any materials he or she develops, but can also work with additional personnel to determine CEII, as necessary.

Information Owners can also be third-party vendors NU has contracted to support projects, and can also be third party organizations, such as Independent System Operators, who generate reports and information.

The Information Owner will:

- Identify and demark CEII within materials before passing them to an Information User that will be utilizing materials for external purposes, such as filings or public presentation.
- Work with other involved personnel to identify and redact CEII from materials intended for external/public use, as necessary.
- Provide necessary guidance to the Request Recipient and/or Information User on the dissemination of CEII.
- If contacted by Request Recipient, work with Information User to ensure response to CEII request.

Note: The Information Owner may also be the Request Recipient.

Information User

The Information User is an individual who receives materials from an Information Owner for internal or external use.

In addition, the Information User acts as the responder to requests for CEII, ensuring proper NDA execution and identity verification through departmental processes.

*Note: While the Information User is not responsible for identifying and demarking CEII within materials, it is his or her responsibility to verify that CEII is protected **before sending information outside NU through communications with the Information Owner.***

The Information User will:

- When receiving materials from an Information Owner, notify the Information Owner if the materials are intended for external/public filings and/or venues.
- Contact the Information Owner if materials are required for external/public use and have not been previously verified to contain CEII.
- Work with the Information Owner and, as necessary, consult with other subject matter experts to ensure protection of CEII within materials intended for external/public use.

- Ensure information sent externally is only received by authorized persons (those individuals under a Protective Order and/or Non-Disclosure Agreements with verified identities).
- Ensure CEII materials and NDAs are stored electronically with related information, such as placement of materials in TRACS, EDMS, or RIM.

Note: The Information User may also be the Request Recipient.

CEII Coordinator

The CEII Coordinator is identified formally through FERC Order 890, and must help to organize CEII awareness and procedures at NU.

The CEII Coordinator will:

- Maintain this procedure, M3-RC-2201, and ensure that the Transmission organization has proper CEII processes.
- As necessary, work with Information Owners and Information Users, to coordinate determination of CEII within materials intended for external/public use.

Legal Department

The Legal Department ("Legal") works to gain Protective Orders for external regulatory hearings/processes that will require the disposition of CEII materials.

The Legal Department will:

- When necessary, work with the Information Owner to determine if a document contains CEII and/or complete the redaction process.
- When necessary, work with the Information User to resolve issues with NDAs and identity verification forms.
- Resolve legal challenges to identification and redaction of CEII.

Responsible Manager (or Delegate)

The Responsible Manager is any NU manager or supervisor who is involved in the use, transmittal, or public disposition of CEII materials. The Responsible Manager may delegate approval and identity verification to another responsible individual within the department, as necessary.

The Responsible Manager (or Delegate) will ensure departmental processes support CEII review and approval.

Request Recipient

A request recipient can be an individual or a department that receives requests for NU information from external agencies or parties.

The Request Recipient will:

- Understand that information requested may contain confidential information and/or CEII.
- Forward information requests to the Information User and/or Information Owner, as applicable.

- If unsure of Information User and/or Information Owner, request assistance.
- If information requested has been created by a third party Information Owner (not created by NU), the Request Recipient should either forward the request to the Information Owner, or give the requestor contact information from which the requested information may be acquired.

Note: The Request Recipient may also fill the role of the Information Owner or Information User.

NU Corporate Security

NU Corporate Security is only involved with CEII in the case of a questionable request for access to CEII materials.

NU Corporate Security will, with notification and coordination with the Legal Department, handle reports of questionable or problematic identity verification by contacting law enforcement authorities through approved channels.

Transmission Contract Administration

Transmission Contract Administration, along with Purchasing, is responsible for ensuring contracts within Transmission with vendors who may receive or create CEII materials, such as external engineering firms or planning studies contain signed NDAs.

Transmission Contract Administration will ensure all contracts with vendors include language ensuring CEII will not be shared with personnel who have not signed an NDA.

Purchasing

Purchasing, along with Transmission Contract Administration, is responsible for ensuring contracts with vendors who may receive or create CEII materials, such as external engineering firms or planning studies contain signed NDAs.

Purchasing will ensure all contracts with vendors include language ensuring CEII will not be shared with personnel who have not signed an NDA.

4. Process Steps

CEII should be determined with the aid of Attachment A, CEII Materials To Be Protected. This attachment contains a list of documents considered CEII, and is based on the approved Participating Transmission Owners – Administrative Committee (PTO-AC) procedure, “PTO-AC Guidelines for Handling CEII Materials and CEII Requests.”

It is important to consider that, with regard to regulatory proceedings, requests for information come to NU as a result of “comment periods” posted by individuals or municipalities, often with short turnaround time limits. As a result, NU’s response to requests for information must be timely.

4.1. Protection of CEII Materials in Filings and Submissions

It is imperative to protect CEII within external submissions, such as those to regulatory agencies and public forums. This section refers to a process in which NU must obtain protection for identified CEII.

Information Owner

- 4.1.1. Prepare materials for regulatory filings, such as the Connecticut Siting Council (CSC) or other state siting authority, the Department of Public Utility Control (DPUC), or any public utility commission and/or its consultants engaged in commission work.
- 4.1.2. Review the document to determine if it contains CEII, or ask for assistance in the identification and redaction process:
 - If the document is determined to contain CEII, redact the document per the guidelines in Section 4.3 of this document.
 - If the document is to satisfy an external request, skip to step 4.2.1.
- 4.1.3. Create two versions of the document:
 - (1) Public with contents redacted appropriately
 - (2) Non-Public, labeled as CEII
- 4.1.4. Notify the Responsible Manager (or Delegate) of completed redaction and request approval for dissemination of redacted materials.

Responsible Manager (or Delegate)

- 4.1.5. Approve redaction proposed by the Information Owner (or return for changes).

Information User

- 4.1.6. Utilize information received from Information Owner, ensuring final review for CEII if materials appear to require protection.

- 4.1.7. Consult with Legal to determine if Protective Order will be sought (see M3-RC-2201.1, "Northeast Utilities Service Company Guidelines for Handling CEII Materials in Siting Proceedings").
- If yes, work with Legal counsel to assure that materials containing CEII are filed and served on parties and intervenors in accordance with Protective Order procedures.
 - A Protective Order may require parties and intervenors to execute M3-RC-2201.2, "Northeast Utilities Service Company CEII Non-Disclosure Agreement," and M3-RC-2201.3, "Northeast Utilities CEII Identity Verification Form," in addition to being subject to terms of Protective Order. In that case, parties and intervenors will be subject to identity verification procedures.
 - When a Protective Order is filed with and issued by an agency, the members of that agency are to be held to the Protective Order, and should not be asked to sign additional NDAs.
- 4.1.8. If a Protective Order is not being sought with respect to specific materials, send M3-RC-2201.2, "Northeast Utilities Service Company CEII Non-Disclosure Agreement," and M3-RC-2201.3, "Northeast Utilities CEII Identity Verification Form," to the entity requesting/receiving the CEII materials.
- Follow the steps in Section 4.2 to achieve successful NDA and identity verification.
 - Ensure timely response to any CEII requests.
 - If the identity verification is questionable or problematic, inform the Legal Department first, then, upon direction from Legal, notify Corporate Security.

Information User

- 4.1.9. When the CEII Non-Disclosure and Identity Verification Forms have been executed and confirmed, file both the redacted public and CEII versions of the materials with the applicable Regulatory Authority following the normal filing procedure for that document type.

To complete this process, ensure that a Protective Order, created in accordance with M3-RC-2201.1, "Northeast Utilities Service Company Guidelines for Handling CEII Materials in Siting Proceedings," is included with this filing.

4.2. Handling Requests for Protected Information

It is important to consider that requests for information come to NU as a result of "comment periods" posted by individuals or municipalities, often with only 10 business days to respond or at the earliest convenience. As a result, NU's response to requests for information must be timely, but based upon the requests themselves. The timeline listed in this section is recommended, but the process may require being expedited.

If information requested has not already been redacted as part of a presentation or filing, the redaction process that will be required for releasing CEII materials to a requestor should be given high priority.

Request Recipient

- 4.2.1. Receive a request for Company information from an external source, such as an intervenor / party in the siting process.
- 4.2.2. Forward the request to the Information User and/or Information Owner:
 - If the Information User/Owner is unknown, refer to a supervisor or manager.
 - If the information requested was created by an external organization, forward the request to the external Information Owner, or give the requestor contact information from which the requested information may be acquired.

Note: The Request Recipient may also fill the roll of Information User or Information Owner, therefore forwarding may not be necessary.

Information User / Information Owner

Note: If the Request Recipient forwards the information request to either the Information Owner or the Information User, those individuals should coordinate response to the request.

- 4.2.3. Receive notification of potential CEII request and determine if requested materials contain CEII (within three business days), requesting assistance as necessary:
 - If materials do not contain CEII, request review and approval of release from the Responsible Manager (or Delegate).
 - If materials contain CEII, proceed with determining clearance for disclosing information constituting CEII to the specific requestor, including process for execution of NDA (as necessary).

For examples of CEII versus non-CEII documents, please refer to Attachment B, "Examples of CEII and Non-CEII Documents."

Responsible Manager (or Delegate)

- 4.2.4. If the requested information is not CEII, review and approve release of requested document (within two business days).

Information User / Information Owner

- 4.2.5. Refer to previous CEII materials to determine if the information requestor has already signed a related NDA (within one business day).

- If the information requestor has already signed a related NDA, proceed to step 4.2.10.
 - If the information requestor has not previously signed a related NDA, or has signed an unrelated NDA, proceed with NDA and identity verification process.
- 4.2.6. Send M3-RC-2201.2, "Northeast Utilities Service Company CEII Non-Disclosure Agreement," and M3-RC-2201.3, "Northeast Utilities CEII Identity Verification Form," to the information requestor (immediately).
- 4.2.7. Upon receipt of the completed NDA and Identity Verification Form, coordinate identity verification (within one business day):
- If identity verification succeeds, notify the Information User and/or Information Owner that information can be released.
 - If the identity verification is questionable or problematic, inform the Legal Department first, then, upon direction from Legal, notify Corporate Security.

Legal

- 4.2.8. As applicable, review any questionable identity verification results.

Corporate Security

- 4.2.9. As applicable, contact enforcement authorities via standard channels regarding suspect identity verification results.

Information User / Information Owner

- 4.2.10. Determine if requested materials have already been redacted or released to the public by referring to previous CEII materials (within two business days):
- If materials have been released or redacted, proceed to step 4.2.13.
 - If materials have not been redacted or publicly released, begin the materials redaction process.
- 4.2.11. Notify the Responsible Manager (or Delegate) of redaction.
- 4.2.12. Redact the requested materials (within seven business days), requesting assistance as necessary. For more information on the redaction process, see Section 4.3.
- 4.2.13. Request approval of redactions from the Responsible Manager (or Delegate) immediately upon completion of the redaction process.

Responsible Manager (or Delegate)

- 4.2.14. Review and approve release of requested document (within two business days).

Information User / Information Owner

- 4.2.15. Receive approval and send approved materials to the information requestor (within one business day), ensuring proper protection of materials (see Section 4.3).
- 4.2.16. Notify the Request Recipient that materials have been sent (same day).
- 4.2.17. Record all disclosed CEII information and related NDAs / Identity Verification forms, ensuring information availability for appeals or additional similar requests.

4.3. Determination of CEII Content

Those individuals involved in the determination and redaction of CEII content within NU materials should consider the following information:

- “Is the subject related to the Bulk Power System, Critical Facilities, Critical Assets, or Critical Cyber Assets?”
- Could this material be used to harm the electric system infrastructure?
- How is the material (e.g., maps, diagrams, studies, applications) presented? Does it discuss contingencies and critical infrastructure weakness?”⁷

FERC’s guidelines indicate that CEII materials include:

“In general, narratives such as general descriptions of facilities and processes are public. However, if there are specific engineering, design or operational details of a critical infrastructure in narrative form, the information may be CEII or privileged.”⁸

FERC also gives the following examples of CEII:

“CEII is limited and includes engineering, security, and detailed design information about proposed or existing critical infrastructure. Examples of CEII include detailed drawings and specifications, dam safety and technical reports, emergency action plans, hazard classification, construction design reports, public safety plans, and extreme event reports.”⁹

4.4. Labeling and Redaction of CEII

4.4.1. Information Protection

It is important to consider how to protect both documents and information being released to external recipients. In order for external parties to receive CEII materials, those parties must execute NU’s CEII NDA and, as applicable, complete an Identity Verification form. For more details, refer to section 4.1.

CEII being made public must be redacted and labeled, regardless of medium. In addition, it is suggested that, when preparing materials, separate CEII whenever possible. However, CEII materials will not require any additional physical protection or special labeling while within NU locations.

It is important to follow all NU policies on protecting confidential information and labeling. Please refer to NUP 34, Confidential Information, and the NUNet policy: Information Security Requirements, Section 2.0, Information Handling Requirements, to ensure proper protection.

⁷ PTO-AC document, “PTO-AC Guidelines for Handling CEII Materials and CEII Requests” (June 25, 2009)

⁸ FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII)

⁹ FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII)

Materials released to external sources should be identified and protected using one of the two following methods.

4.4.1.1. Separate CEII Attachments

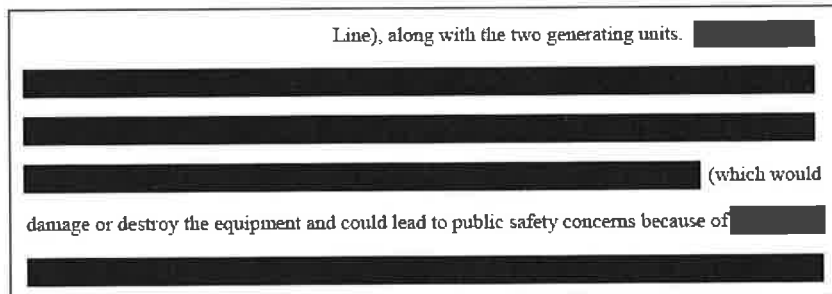
For siting and similar filings, to the extent practicable, all CEII should be separated into discrete documents or sections which are not intermixed with non-CEII materials. Such documents or volumes shall bear a legend on the cover and in a header on every page of CEII materials: "*Confidential Critical Energy Infrastructure Information (CEII) Subject to Protective Order and/or Non Disclosure Agreement. Do Not Copy or Provide to Unauthorized Persons.*"

4.4.1.2. CEII Within a Document

When CEII is intermixed with other materials that cannot be removed as attachments, the document or material containing CEII must be redacted.

When moving materials to an appendix or attachment disrupts the flow of information, a second method is to redact CEII within the document by utilizing black-out redaction for sentences, phrases, etc. (see Figure 1).

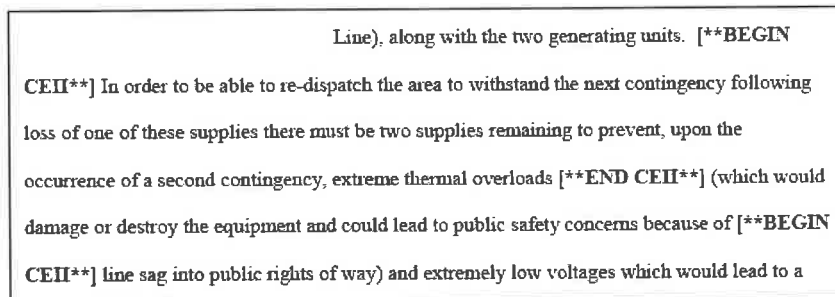
Figure 1: CEII Demarcation within a Document



Each volume or document that contains such redactions shall include a prominent explanatory legend (such as on the cover page): "*This document contains Critical Energy Infrastructure Information (CEII) that has been redacted.*"

While the blacked-out materials may be provided as public versions of documents, it may be helpful to demarc those sentences or phrases that were redacted as CEII within the non-redacted version to illustrate the CEII (see Figure 2).

Figure 2: Non-Redacted Version with CEII Demarcation



If it is determined that the document should be labeled for internal use, documents should be marked as Figure 2, and labeled with: *"This document contains Critical Energy Infrastructure Information (CEII) that has been demarcated. Do Not Provide to Unauthorized Persons."*

If information is being sent to ISO-NE and is deemed CEII (refer to Section 4.4.5), the materials should be labeled to ensure password protection. Labeling for CEII should read: *"This document contains Critical Energy Infrastructure Information (CEII). Do Not Provide to Unauthorized Persons."*

When developing materials to go to the public, such as in the case of a presentation or document, it is possible to rephrase statements to avoid creating CEII. If possible, state a concept in an alternate method when the information is not required for the prepared materials.

Example

CEII Version:

"WMECO currently has one major bulk-power substation in the Springfield area where the 345- and 115-kV transmission networks interconnect. The Ludlow Substation interconnects the 345-kV transmission system to the 115-kV transmission system using large autotransformers. The Ludlow Substation is considered a "strong" source or "hub" in the WMECO 115-kV transmission system."

Non-CEII Version:

"The Ludlow Substation in the Springfield area contains an interconnection between the 345- and 115-kV transmission networks, using large autotransformers."

NOTE: This type of rephrasing is only appropriate in materials that do not require needs justification.

4.4.2. Verbal versus Written CEII

While it is strongly recommended that all instances of CEII be released only with NDAs, if a presentation that contains CEII must be made to third parties, but it is not appropriate to have these parties sign NDAs, the presenter must give a clear verbal warning regarding the confidential nature of the presentation.

The presenter must speak to the following points:

- CEII is confidential and critical to national security per the Department of Homeland Security and FERC.
- Please do not take any notes, or repeat any of the information heard in this presentation outside of this room.
- If materials are handed out in this instance, the presenter must recover all materials at the end of the session.

4.4.3. Electronic Information Protection

It is also important to retain the same policies for electronic distribution of CEII. If CEII materials are being released electronically, they must be treated as Confidential Information.

To secure confidential electronic files containing CEII please refer to the NUNet policy: Information Security Requirements, Section 2.0, Information Handling Requirements. These requirements give labeling locations and instructions about the electronic transfer of protected information. For instance, CEII distributed electronically must be encrypted or password protected (via File Transfer Protocol (FTP) or ZIP files).

4.4.4. Retroactive Labeling of CEII

If an Information Owner knows of materials previously released to the public that contain information similar to materials currently being protected as CEII, that Information Owner should label and redact current and future versions of the CEII.

This retroactive labeling is important for materials in circulation, such as specific maps, diagrams, or studies that could place company assets at risk.

4.4.5. ISO-NE Methodology for Presenting CEII

It is important to note that the New England Power Pool (NEPOOL) Reliability Committee (RC) and ISO-NE Planning Advisory Committee (PAC) meeting materials may contain CEII. In these instances, ISO-NE will conduct a pre-screening of all attendees to ensure that all participants at the meeting are authorized to review materials containing CEII.

In the event that NU submits materials for RC or PAC meetings, the materials must be submitted to ISO-NE and/or NEPOOL with CEII labeling.

4.5. Contract Administration

Contractors who have signed contracts with NU must sign NDAs with NU that cover the proprietary nature of all NU information, including CEII. All existing and future contracts must contain clauses treating CEII as confidential information, or contain addendums with Non-Disclosure Agreements that include clauses regarding the confidentiality of CEII.

5. Administrative Information

5.1. Requirements

This document fulfills requirements set forth in 18 CFR Section 388.113, and FERC Docket No. RM06-24-001; Order No. 683-A – Critical Energy Infrastructure Information (April 9, 2007).

5.2. Definitions

Word or phrase	Definition
Bulk Electric System (BES)	"As defined by the Regional Reliability Organization, the electrical generation resources, transmission lines, interconnections with neighboring systems, and associated equipment, generally operated at voltages of 100 kV or higher. Radial transmission facilities serving only load with one transmission source are generally not included in this definition." ¹⁰
Bulk Power System (BPS)	"The interconnected electrical systems within northeastern North America comprised of system elements on which faults or disturbances can have a significant adverse impact outside of the local area." ¹¹
CEII	Critical Energy Infrastructure Information.
CIP	Critical Infrastructure Protection: NERC standards created to enforce the protection of critical cyber assets associated with critical assets within the Bulk Power System.
Critical Cyber Assets	"Those Cyber Assets essential to the reliable operation of Critical Assets." ¹²
Critical Infrastructure	"The Systems and Assets, whether physical or virtual, that are so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on the security, national economic security, national public health or safety, or any combination of those matters." ¹³
CSC	Connecticut Siting Council.

¹⁰ NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

¹¹ NPCC Document A-7, "NPCC Glossary of Terms" (July 17, 2007)

¹² NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

¹³ USA Patriot Act of 2001 - H. R. 3162 (Sec. 1016. Critical infrastructures protection)

DPUC	Department of Public Utility Control (Connecticut).
FERC	The Federal Energy Regulatory Commission. Pursuant to the provisions set forth in the Federal Power Act, the Commission is responsible for regulating and overseeing the interstate transmission of electricity (specific powers are as set forth in the Federal Power Act).
FOIA	Freedom of Information Act.
ISO-NE	Independent System Operator New England: delegates and shares responsibility with the PTOs for many Transmission Operator (TOP) functions. While ISO-NE is accountable for certain types of reporting, it relies on the data from the PTOs.
NEPOOL	New England Power Pool.
NDA	Non-Disclosure Agreement.
NERC	North American Electric Reliability Corporation, through the establishment of standards, ensures the reliability, adequacy and security of the nation's bulk electric system as the ERO.
NPCC	Northeast Power Coordinating Council.
NU	Northeast Utilities.
PAC	ISO-NE Planning Advisory Committee.
PTO-AC	Participating Transmission Owners – Administrative Committee.
RC	NEPOOL Reliability Committee.

5.3. References

Internal NU Documentation

NUP 34: Confidential Information (revised 8/11/2008) – available on NUNet Policy Central:

<http://nunet.nu.com/NUCorporate/MyJob/policycentral/nup/nup34.asp>

NUP 32: Use of Technology (revised 5/29/2009) – available on NUNet Policy Central:

<http://nunet.nu.com/nucorporate/myjob/PolicyCentral/policy.asp?nup=32&category= Company Resources>

Corporate Information Security Requirements (available on NUNet:
http://nunet.nu.com/NUCorporate/Depts/IT/policies/policies_it_security_considerations.asp

Section 2.0, Information Handling Requirements

Section 2.1, User Requirements M3-RC-1001, "Reliability Compliance Program"

M3-RC-2201.1, "Northeast Utilities Service Company Guidelines for Handling CEII Materials in Siting Proceedings"

M3-RC-2201.2, "Northeast Utilities Service Company CEII Non-Disclosure Agreement"

M3-RC-2201.3, "Northeast Utilities CEII Identity Verification Form"

CIP-2501, "Classify CIP Information"

CIP-2502, "CIP Information Protection Program"

External Documentation

PTO-AC document, "PTO-AC Guidelines for Handling CEII Materials and CEII Requests" (June 25, 2009)

USA Patriot Act of 2001 - H. R. 3162 (Sec. 1016. Critical infrastructures protection)

16 U.S.C. 824, "Federal Power Act," Section 215, as revised in the Energy Policy Act of 2005

FERC 18 CFR Parts 4, 16, 141 and 157 (Docket No. Docket No. RM03-6-000; Order No. 643) – Amendments to Conform Regulations With Order No. 630 (Critical Energy Infrastructure Information Final Rule – Issued July 23, 2003)

FERC 18 CFR Part 388 (Docket No. RM06-24-000; Order No. 683) – Critical Energy Infrastructure Information (Issued September 21, 2006)

FERC 18 CFR Part 388 (Docket No. RM06-24-001; Order No. 683-A) – Critical Energy Infrastructure Information (April 9, 2007)

FERC Guidelines for Filing Critical Energy Infrastructure Information (CEII) – Available from FERC website

FERC Order 890, "Preventing Undue Discrimination and Preference in Transmission Service" (February 16, 2007)

FERC Order 890 Fact Sheet

FERC Docket No. PL02-1 – Treatment of Previously Public Documents (October 11, 2001)

Comments from NERC on FERC Rule Regarding Critical Energy Infrastructure Information (Docket No. RM02-4-000, Docket No. PL02-1-000)

NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

NERC Security Guidelines for the Electricity Sector, "Protecting Potentially Sensitive Information," version 1.0 (June 14, 2002)

NPCC Document A-7, "NPCC Glossary of Terms" (July 17, 2007)

New England Participating Transmission Owner (PTO) Procedure for Disclosure of Critical Energy Infrastructure Information (CEII)

NARUC document, "Information Sharing Practices in Regulated Critical Infrastructure States Analysis and Recommendations" June 2007

6. Summary of Changes

Revision 0

None – This procedure is the original issue.

Attachment A, Identified Common CEII Materials

The following list of information is available in the PTO-AC document, "PTO-AC Guidelines for Handling CEII Materials and CEII Requests" (June 25, 2009).

Additional recommendations for handling CEII are included in the NERC Security Guidelines for the Electricity Sector, "Protecting Potentially Sensitive Information," version 1.0 (June 14, 2002) for determining if materials should be treated as CEII.

Maps/diagrams

What types of information require CEII labeling for maps/diagrams?

- Detailed representation of transmission components containing elements of Bulk Power System, Critical Facilities, Critical Assets and Critical Cyber Assets (i.e., Breaker/transformer, with ratings, connections, etc.)

Note: Some distribution and generation interconnection diagrams may contain Bulk Power System, Critical Facilities, Critical Assets and Critical Cyber Assets information.

- Depiction of line ratings or transfer capability or bottlenecks for any Bulk Power System element or resource components: i.e., the output of analyses that illustrates or infers Bulk Power System problems under contingencies, such as might be used to technically substantiate needs for system improvements
- Maps, diagrams, and system elements related to nuclear facilities

Note: Maps that might otherwise appear to be innocuous may contain legends that provide CEII-level detail.

What types of maps/diagrams can be made public?

- One-line type representation of transmission lines (simple schematic one-lines, not the output of PSS/E or similar analysis software) that may include:
 - Voltage level(s): i.e., the nominal conductor ratings, not voltage problems
 - TO territory or ownership
- Geographic maps without technical details

Examples:

CEII marking required:

- Northeast 345kV system diagram (includes bus detail)
- Diagrams/maps submitted as part of the modeling info (assumes level of detail is such that it can be utilized for modeling purposes, but not known contingencies that would aid modeling of system problems)
- New England Regional System Plan (RSP) – RSP06 Northern and Southern Area Maps
- ISO-NE Detailed Price Node (PNode) diagram
 - Detailed diagram (marked as CEII because it contains detail of each substation with breaker, transformer, bus conditions, and generator location)

Public (no CEII demarcation):

- New England one-line diagram (no detail that requires protection)
- New England geographic and/or Geographic Transmission Map including topological transmission maps (not enough detail)
 - Exception for maps with generator type indicated (such as nuclear in the above list)
- ISO-NE General PNode diagram:

- Versions of PNode diagrams without bus / breaker /transformer detail listed (similar to a basic one-line diagram)

Reports, data, etc.

Note: Reports that have sections designated as CEII should be labeled as containing CEII.

What aspects require CEII demarcation for this category?

- The inclusion of any of the protected maps from above in report
- Detailed descriptions of Bulk Power System components or protective schemes (i.e., relay and protection info, special protection system detail, substation design detail)
- Description of a specific Bulk Power System weakness or vulnerability
 - "Needs" description specifying the conditions or contingencies that lead to the need
 - Description of a justification for an alternative (indirect reference to weakness or vulnerability)
 - Market performance language that indirectly describes or relates to a specific weakness or vulnerability in the bulk power system
 - Powerflow cause and effect description
 - Powerflow data

Examples:

CEII marking required:

- Load Power Factor Studies and Audit Results
- Sections 2, 3 and 6 of FERC Form 715
- Portions of Capacity, Energy, Loads, and Transmission (CELT) report that include technical detail as noted above
- Detailed System disturbance/event follow-up/Blackout report (describes vulnerability)
- Market/Reliability event related to a system disturbance (describes vulnerability)
- Annual Maintenance Schedule (can be used to derive vulnerability as it incorporates forecast of capacity shortcoming)
- Transmission Maintenance Schedule (can be used to derive vulnerability)
- Reliability Agreement info (i.e., Southwest CT Gap info – depicts needs)
- Study analysis (depicts needs or vulnerability):
 - Maine Power Reliability Program (MPRP)
 - Southeastern Massachusetts Reliability Region (SEMA)
 - Millstone Severe Line Outage Detector (SLOD) Special Protection System (SPS) Stability Report
- Data/info submittals (detailed engineering data):
 - NX-9
 - NX-11
 - PPA I.3.9

Public (no CEII demarcation):

- Generic Interface Constraints spreadsheet
- Claimed Capability Report (lacks detail)
- Installed Capacity Requirement (ICR) report
- Financial Transmission Rights (FTR) related reports

- Contingency definitions spreadsheet (detailed, yet may lack value unless coupled with results – case by case basis)
- Line and ZBR Definitions spreadsheet (detailed, yet may lack value unless coupled with results – case by case basis)
- Monthly Interface Limits spreadsheet (only depicts limits with no detail)

Critical Infrastructure Protection

Any materials classified as protected CIP information through the PTO's CIP methodologies and processes are CEII, but are subject to specific handling restrictions as detailed in the NERC CIP Standard Requirements.

Attachment B, Examples of CEII and Non-CEII Documents

Examples and demarking for CEII (please do not distribute outside NU without NDA):

Example #1

The Springfield area includes the City of Springfield and extends west to Blandford, south to the Connecticut border, north to Amherst and east to Ludlow.

The transmission system serving the Springfield area requires upgrades to meet national and regional reliability standards due in part to the following:

- Customer demands for electricity continue to grow.
- Many existing 115-kV transmission circuits have relatively low capacities.
- Many overhead 115-kV transmission circuits were built on common lines of structures. Outages to double circuit lines can have a significant reliability impact on the local area.
- **[BEGIN CEII]** Significant power flows originate from a single source at the 345/115-kV Ludlow Substation and move west toward the Breckwood and West Springfield Substations. **[END CEII]**

System impact analyses incorporating forecasted peak demands show: a) power flow conditions on existing transmission facilities exceed existing capabilities and b) voltage profiles at load-serving substations below acceptable limits.

This information specifies a system weakness that could be used to damage the BPS.

Example #2

WMECO's transmission network also includes 346.0 circuit miles of 115-kV lines (including 9.4 miles of cable circuits), and 5.5 circuit miles of 69-kV line. These transmission lines include ties to other electric and municipal utilities including CL&P, NGrid, City of Holyoke Gas and Electric Department ("HG&E"), and Holyoke Water Power Company ("HWPCO"). Also interconnected to the WMECO transmission system at the 69-kV level is the City of Springfield's Cobble Mountain generating plant.

[BEGIN CEII] WMECO currently has one major bulk-power substation in the Springfield area where the 345- and 115-kV transmission networks interconnect. The Ludlow Substation interconnects the 345-kV transmission system to the 115-kV transmission system using large autotransformers. This substation enables bulk power from the large central generating stations (such as Northfield Mountain and Stony Brook) and power imported over four 345-kV transmission tie lines to be delivered to the Springfield area 115-kV transmission system. The Ludlow Substation is considered a "strong" source or "hub" in the WMECO 115-kV transmission system. **[END CEII]**

This information specifies a significant aspect of the system that, in conjunction with other information in the same document, could be used to damage the BPS.

Example #3

Typically, during peak demand periods, power flows west from Ludlow to the Agawam Substation through both the west side and the east side of the interior loop, and south from Ludlow through the outer loop to the far east of Springfield, then circling around to the South Agawam and the Agawam Substations.

[BEGIN CEII] However, the interruption of transmission circuits on either of the major corridors of the interior loop causes more power to flow on the remaining in-service circuits. If the loss occurs on the transmission circuits on the west side, the remaining circuit from the East Springfield area cannot reliably carry the resulting power flow toward West Springfield and Agawam. The high power flows overload the present capability of the existing cables on the east side of the interior loop, even with the assistance of the fourth circuit carrying power around the outer loop to the Agawam Substation. **[END CEII]**

This information specifies a means to disable a significant portion of the area BPS.

Example #4

To address the identified reliability issues, three new 345 kV facilities were found to be necessary to support the Greater Rhode Island area and to better integrate it with the rest of the New England system. Generally, these improvements would bring a third source into Rhode Island. **[BEGIN CEII]** Currently, the existing 345 kV lines from Sherman Road to West Farnum and from ANP Bellingham to Brayton Point are the two key supplies into the state. **[END CEII]** The improvements also would extend a second source into the load center in southern Rhode Island and add a new source into a 115 kV load center located just east of the Rhode Island border. Several options were evaluated for each of these facilities, which are described in the following sections.

This information specifies a means to disable a significant portion of the area BPS.

Example #5: CEII Contingencies Data

The table below, which is accompanied by descriptive paragraphs in the original document, shows the contingency load-flow results that would not satisfy Northeast Power Coordinating Council ("NPCC"), North American Electric Reliability Corporation (NERC), ISO-New England ("ISO-NE") and NU reliability standards, when the 310 and 368 circuits are out-of-service at the same time. The table and associated descriptive information is considered CEII.

[BEGIN CEII]

Monitored Line			Flow before second circuit trips	Flow after second circuit trips	LTE Rating	% rating
From Bus	To Bus	Circuit #	MVA	MVA	MVA	
Millstone	Montville	371	1116.8	2032.9	1793	110
Montville	Haddam Neck	364	1158.3	2117.1	1912	108
Millstone	Haddam auto	348	1195.9	2114.2	1912	107
Millstone	Haddam auto	348	1148.5	1920.2	1912	97

[END CEII]

This information describes a weakness if the system, exposing a vulnerability of the BPS.

Northeast Utilities Service Company Guidelines for
Handling CEI Materials in Siting Proceedings

Status and Purpose of this Document

The New England Participating Transmission Owners (PTO) have adopted a "Procedure for Disclosure of Critical Energy Infrastructure Information (CEII)" ("Procedure"), posted on the Northeast Utilities website at http://www.transmission-nu.com/business/pdfs/PTO_CEII_Procedure.pdf. This document is intended to provide specific guidance for the handling of CEII in siting proceedings, consistent with the Procedure, and consistent with Order 890 of the Federal Energy Regulatory Commission. Upon adoption by the New England Participating Transmission Owners of any revision of the existing Procedure, this document may be revised to conform to any such revisions.

In addition to the PTO procedure, the PTO Administrative Committee (PTO-AC) has developed guidelines for the handling of CEII, which supplies specific examples and suggestions for CEII protection. This procedure, "PTO-AC Guidelines for Handling CEII Materials and CEII Requests," is available through the ISO-NE website.

1. INTRODUCTION

This procedure is intended to provide guidance to all affiliates of Northeast Utilities Service Company (NUSCO) with respect to the classification and disclosure of CEII materials in the context of transmission Infrastructure siting proceedings, including disclosures that precede the filing of an application but are related to the application process.

This document will:

- Assist personnel who prepare and file siting applications and related materials in determining the kinds of internal information that qualify as CEII
- Provide guidance on properly labeling such information
- Provide for the entry of a CEII Protective Order in a siting proceeding, to expedite the sharing of CEII with a siting agency, its staff, parties and intervenors.

2. DEFINITIONS

CEII

FERC defines CEII as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or electronic) that: (1) relates details about the production, generation, transmission, or distribution of energy; (2) could be useful to a person planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) gives strategic information beyond the location of the critical infrastructure."¹

Critical Infrastructure

NERC defines Critical Infrastructure as "the Systems and Assets, whether physical or virtual, that are so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on the security, national economic security, national public health or safety, or any combination of those matters."² Systems, as defined in this procedure, refer to discrete protection, control, and communication systems.

Critical Assets

In addition, NERC identifies Critical Assets as "Facilities, systems, and equipment which, if destroyed, degraded, or otherwise rendered unavailable, would affect the reliability or operability of the Bulk Electric System."³

*Examples:*⁴

- Function and physical location,
- Black start facilities,
- Extra high voltage (>230 kV) stations,
- Locations and responsibilities of control and operating entities, and
- Details of critical computer systems (e.g., operational systems such as Energy Management Systems (EMS), Supervisory Control and Data Acquisition (SCADA), digital control systems, their names and function, CAD/CAM facilities, network configuration and firewall schemes).

¹ FERC 18 CFR Part 388 (Docket No. RM06-24-000; Order No. 683) – Critical Energy Infrastructure Information (Issued September 21, 2006)

² NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

³ NERC Glossary of Terms Used in Reliability Standards (4/20/2009)

⁴ NERC Security Guidelines for the Electricity Sector, "Protecting Potentially Sensitive Information," version 1.0 (June 14, 2002)

3. INFORMATION IN SITING FILINGS LIKELY TO QUALIFY AS CEII

CEII "does not include information that is otherwise publicly available. Simplified maps and general information on engineering, vulnerability, or design that relate to production, generation, transportation, transmission or distribution of energy shall not constitute CEII."⁵

Certain elements of the Bulk Power System qualify as "Critical Infrastructure." Siting proceedings in which approval for Bulk Power System elements is sought typically include requirements to demonstrate a need for the proposed facility, the advantages of the proposed facility as compared to non-transmission alternative solutions to the need, information concerning the location of the proposed and existing facilities, and information concerning the design and construction of the proposed facility. Such information may or may not constitute CEII, depending on whether it provides sufficient detail so as to be potentially useful "to a person planning an attack on critical infrastructure."

4. SPECIFIC EXAMPLES

The following examples illustrate how materials will or will not qualify as CEII, depending on their level of detail:

4.1 Maps/Diagrams

CEII Treatment Required:

- Northeast 345kV system diagram (includes bus detail)
- Diagrams/maps submitted as part of the modeling info (assumes level of detail is such that it can be utilized for modeling purposes, but not known contingencies that would aid modeling of system problems)
- New England Regional System Plan (RSP) – RSP06 Northern and Southern Area Maps
- ISO-NE Detailed Price Node (PNode) diagram:
 - Detailed diagram (marked as CEII because it contains detail of each substation with breaker, transformer, bus conditions, and generator location)

CEII Treatment Not Required

Maps/diagrams that can be made public include:

- New England one-line diagram (no detail that requires protection)
- New England geographic and/or Geographic Transmission Map including topological transmission maps (not enough detail)
 - Exception for maps with generator type indicated (such as nuclear in the above list)
- ISO-NE General PNode diagram:
- Versions of PNode diagrams without bus / breaker /transformer detail listed (similar to a basic one-line diagram)

4.2 Reports, data, etc.

CEII Treatment Required

- Load Power Factor Studies and Audit Results
- Sections 2, 3 and 6 of Form 715
- Portions of Capacity, Energy, Loads, and Transmission (CELT) report that include technical detail as noted above
- Detailed System disturbance/event follow-up/Blackout report (describes

⁵ ISO-NE FERC Electric Tariff No. 3, Open Access Transmission Tariff, Section H – Attachment K – Regional System Planning Process, Sheet NO. 6237 9eff. Dec. 7, 2007)

- vulnerability)
- Market/Reliability event related to a system disturbance (describes vulnerability)
- Annual Maintenance Schedule (can be used to derive vulnerability as it incorporates forecast of capacity shortcoming)
- Transmission Maintenance Schedule (can be used to derive vulnerability)
- Reliability Agreement info (i.e., Southwest CT Gap info – depicts needs)
- Study analysis (depicts needs or vulnerability):
 - Maine Power Reliability Program (MPRP)
 - Southeastern Massachusetts Reliability Region (SEMA)
 - Millstone Severe Line Outage Detector (SLOD) Special Protection System (SPS) Stability Report
- Data/info submittals (detailed engineering data):
 - NX-9
 - NX-11
 - I.3.9

CEII Treatment Not Required:

- Generic Interface Constraints spreadsheet
- Claimed Capability Report (lacks detail)
- Installed Capacity Requirement (ICR) report
- Financial Transmission Rights (FTR) related reports
- Contingency definitions spreadsheet (detailed, yet may lack value unless coupled with results – case by case basis)
- Line and ZBR Definitions spreadsheet (detailed, yet may lack value unless coupled with results – case by case basis)
- Monthly Interface Limits spreadsheet (only depicts limits with no detail)

5. DOCUMENT CONTROL

To the extent practicable, CEII in siting filings should be aggregated in discrete documents or volumes in which it is not intermixed with non-CEII materials. Such documents or volumes shall bear a legend on the cover and in a header on every page: "*Confidential Critical Energy Infrastructure Information (CEII) Subject to Protective Order and/or Non Disclosure Agreement. Do Not Copy or Provide to Unauthorized Persons.*"

When CEII is intermixed with other materials, it must be securely redacted, and the redaction must be accompanied by a notation: "*Confidential CEII.*" Each volume or document that contains such redactions shall include a prominent explanatory legend: "*This document contains Critical Energy Infrastructure Information (CEII) which has been redacted.*"

The redacted information is or will be available to parties and intervenors in the administrative proceeding in which this document has been or will be filed, pursuant to a Protective Order or the CEII Coordinator. In either case the Recipient will be required to execute a Non-Disclosure Agreement.

Both physical and electronic copies of information must be segregated, labeled, and redacted as described above.

The NUSCO affiliate applying for siting approval shall make every effort to obtain a Protective Order. The Non Disclosure Agreement to be executed pursuant to that protective order shall be substantially in the form in M3-RC-2201.2, "Northeast Utilities Service Company CEII Non-Disclosure Agreement" and M3-RC-2201.3, "Northeast Utilities Service Company CEII Identity Verification Form."

PROCEEDING CAPTION

DATE

**PROTECTIVE ORDER RE:
CRITICAL ENERGY INFRASTRUCTURE INFORMATION**

On [DATE] [NAME OF APPLICANT] (Applicant) filed an application for [NAME OF PERMIT SOUGHT, e.g., Certificate of Environmental Compatibility and Public Need] for [IDENTIFY FACILITY THAT SUBJECT OF PROCEEDING]

Certain highly sensitive critical energy infrastructure information (“CEII”) was or will be provided by Applicant in its initial filing and Applicant anticipates additional CEII may be requested and provided in subsequent discovery. Accordingly, Applicant has requested that a protective scheme be implemented for this data. Consistent with Independent System Operator – New England, Inc. (“ISO-NE”) and the Federal Energy Regulatory Commission (“FERC”), Petitioners define CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the federal Freedom of Information Act, 5 U.S.C. § 522 (2000); and (4) does not simply give the general location of the critical infrastructure.”

Applicant maintains that protecting such critical energy infrastructure information from disclosure is required by security policies adopted by FERC, ISO-NE, and Applicant, and that its release would be damaging to Applicants’ interests and the public interest, including security interests. Pursuant to [NAME SOURCE OF AUTHORITY] this [Board / Commission / Council] (the “Agency”) has the authority to issue protective orders limiting public access to information regarding the technical operations of a public utility in order to ensure the security of public utility systems.

Accordingly, it is

ORDERED

1. Until this Order is modified, access to CEII shall be limited as described in Paragraph 4 below.
2. That all CEII shall, unless removed from the coverage of this Order as provided in Paragraph 3 below, be and remain confidential. CEII shall not be disclosed for any purpose other than the purposes of this proceeding, and then solely in accordance with this Order. No person to whom access to CEII is accorded pursuant to Paragraph 4 of this Order shall disclose or reveal, directly or indirectly, the content of the CEII to others, except as provided in Paragraph 4.
3. That the parties to whom CEII is furnished may challenge designation of any documents or other information as confidential by motion to the Agency and upon reasonable prior notice to the parties and an opportunity for hearing. Upon the entry of an order granting such a motion, the provisions and restrictions of this Order shall cease to bind any party or other person with respect to the documents or information that the Order granting the motion shall have expressly and clearly removed from the coverage of this Order.
4. That, until this Order is modified, access to CEII shall be limited to (i) registered employees of a Governance or Market Participant as defined in the ISO-NE Open Access Transmission Tariff (OATT); (ii) an employee of an Independent System Operator (“ISO”) or Regional Transmission Organization (“RTO”); (iii) a state agency employee, including members and staff of the Agency; (iv) other state and local officials; (v) federal agencies and their staff; (vi) an employee of an electric reliability organization or regional entity; (vii) an employee of a transmission owner in another region; (viii) parties and intervenors in this proceeding, and their counsel; (ix) a consultant engaged for the purpose of this proceeding for one of the foregoing persons or entities; and (x) a stenographer or reporter recording any hearing in connection with this proceeding as part of the official record of the proceeding.

Any such recipient of CEII shall agree to use the CEII solely for the purposes of this proceeding and not disclose the information to any other person. Each person within an entity or organization, except for state agency members and staff employees, who are provided with access to the CEII must complete a CEII Non-Disclosure Agreement.

5. That no copies of CEII furnished by Applicant shall be circulated to persons other than those persons who are authorized under Paragraph 4 of this Order to obtain CEII. Documents offered in evidence may be copied as necessary for that purpose. Persons authorized under Paragraph 4 hereof also may take such notes as may be necessary solely for the purposes of this proceeding. Those notes shall also be treated as CEII. Although a person authorized to obtain CEII may use the information as foundation for advice to his or her employer or clients, s/he may only discuss the CEII with or disclose CEII to another person authorized to receive identical CEII.

6. All materials claimed by Applicant to be CEII under the terms of this Order shall be clearly marked "CEII" by Applicant. To the extent practicable, CEII in siting filings should be aggregated in discrete documents or volumes in which it is not intermixed with non-CEII materials. Such documents or volumes shall bear a legend on the cover and in a header on every page: "Confidential Critical Energy Infrastructure Information Subject to Protective Order and/or Non Disclosure Agreement. Do Not Copy or Provide to Unauthorized Persons."

When CEII is intermixed with other materials, it must be securely redacted, and the redaction must be accompanied by a notation: "Confidential CEII." Each volume or document that contains such redactions shall include a prominent explanatory legend: "This document contains Critical Energy Infrastructure Information (CEII) which has been redacted. The redacted information is or will be available to parties and intervenors in the administrative proceeding in which this document has been or will be filed, pursuant to a Protective Order; or upon application and approval by [Name, telephone number, and e-mail address of CEII Coordinator.] In either case the Recipient will be required to execute a Non-Disclosure Agreement. Faxed materials should be marked as any other confidential document. With regard to other media, diskettes should be marked "Confidential CEII" on the outside and each file on the diskette should be similarly identified. Materials produced electronically shall be marked "confidential" and access to electronically-produced confidential materials shall be limited accordingly to the terms and limitations provided in this Order. Any person or party subject to the terms of this Order who receives unmarked documents or materials which s/he believes Applicant intended to be protected by the terms of this Order, and that would have been protected if marked in accordance with this paragraph, shall make a good faith effort to notify Applicant of this fact and to avoid use of such documents or materials in a manner inconsistent with protection of such material under this Order.

7. That the restrictions upon, and obligations accruing to, persons who become subject to this Order shall not apply to any CEII submitted in accordance with Paragraph 1 of this Order if the Agency rules, after reasonable notice and hearing, that the CEII was publicly known at the time it was furnished or has since become publicly known through no fault of the receiving party.

8. That where reference to CEII is required in pleadings, briefs, other legal documents, or argument, the reference shall be by citation of title or exhibit number only or by some other non-confidential description to the extent possible. In those circumstances, counsel shall make every reasonable effort to preserve the confidentiality of material in the sealed record. If counsel shall include CEII in pleadings, briefs, other legal documents, or arguments, that portion of the documents or that portion of the transcript of the argument containing CEII shall be maintained under seal.

9. That the Agency may draw upon all CEII in the record in the deliberation of any decision or order that it may issue, but will avoid the reproduction in its decision of any CEII.

10. That should any appeal of, or other challenge to, the Agency's decision in this proceeding be taken, any portions of the record that have been sealed in accordance with Paragraph 6 above shall be forwarded to the courts of this State or other court having subject matter jurisdiction, in accordance with applicable law and procedures, under such protective order as may be entered by the court.

11. That this Order does not preclude any party from objecting to the admissibility of any CEII on any ground other than its classification as Confidential.

12. That CEII made available pursuant to this Order and made part of the record in any proceeding before the Agency shall remain in the possession of the Commission, under seal, and subject to the protective requirements of this Order, until this Agency [or its authorized presiding officer] shall otherwise order.

13. That this Order may be modified on motion of any party or on the Commission's own motion upon reasonable prior notice to the parties and an opportunity for hearing.

14. Copies of CEII and documents, notes and other materials containing or reflecting, directly or indirectly, the CEII, that are in possession of the Agency members, counsel or employees may be retained by those persons for the purpose of performing those persons' duties and obligations. If retained, the CEII shall be subject to this Protective Order or to a protective order issued in another proceeding in which the CEII is used. If such a member, counsel or employee of the Commission does not retain the CEII, that person shall destroy it as provided in this paragraph. When the Agency determines that any CEII is no longer required for its work, it shall destroy the material. All parties and intervenors to whom CEII has been made available in the proceeding, their counsel and retained experts, shall destroy all documents, notes and other materials containing or reflecting, directly or indirectly, the CEII. Audio, video or other such magnetically recorded materials shall be electronically erased before disposal. Paper documents shall be shredded.

Signed by:

Name (print)

Name (print)

Title (print)

Title (print)

Signature

Signature

Date

Date

Northeast Utilities Service Company
CEII Non-Disclosure Form

**CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”)
REQUEST INSTRUCTIONS**

The attached form is intended to facilitate your request for information that is classified by Northeast Utilities (NU) as CEII. For your information, the Federal Energy Regulatory Commission (“FERC”) has defined CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure.”

The attached form covers discrete requests for information, including participation in limited purpose working groups (e.g., formed to complete a transmission study). For access to the NEPOOL Reliability Committee (RC) and the Planning Advisory Committee (PAC) planning documents, please refer to the Independent System Operator – New England (ISO-NE) website.

In order for NU to consider your request, you must complete, sign, date and return the following forms:

1. CEII Request Form (including identity verification)
2. Non-Disclosure Agreement (unless you are employed by FERC or Northeast Utilities)

Please understand that changes to these documents are not permissible due to the volume of requests we receive and to ensure that all entities are treated fairly and equally.

Each of these forms requires you to identify yourself as: a registered employee of a Governance or Market Participant; an employee of an ISO or RTO; a state agency employee; a federal agency employee; an employee of an electric reliability organization or regional entity; an employee of a transmission owner in this or another region; a consultant for one of the foregoing entities; or “other.”

Please note that these requests are individual and each person within an entity or organization who will access the CEII must complete these forms.

Finally, note that Northeast Utilities will not act upon your request until these steps are completed. When these steps are completed and reviewed, Northeast Utilities will forward the relevant information to you.

PLEASE BE ADVISED THAT THE DISCLOSURE OF CEII TO YOU IS DISCRETIONARY, AND NORTHEAST UTILITIES MAY REJECT YOUR REQUEST FOR ANY REASON.

Any questions regarding this CEII Request Form may be directed to the CEII Coordinator at (888) 456-2424. All correspondence, including the completed forms, should be mailed or faxed to Northeast Utilities CEII Coordinator, Attention: Reliability Compliance Department, 107 Selden St., Berlin, CT, 06037, fax number (860) 665-2805. Completed forms may also be scanned and sent via e-mail to: compliance@nu.com.

CEII NON-DISCLOSURE AGREEMENT

This CEII NON-DISCLOSURE AGREEMENT (the "Agreement") is made by the undersigned (the "Recipient") in favor of NORTHEAST UTILITIES SERVICE COMPANY (NUSCO) as agent for one or more of its affiliates, THE CONNECTICUT LIGHT AND POWER COMPANY, WESTERN MASSACHUSETTS ELECTRIC COMPANY, HOLYOKE POWER AND ELECTRIC COMPANY, HOLYOKE WATER POWER COMPANY, AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE (collectively, the Company)

WHEREAS, the Recipient has requested that the Company disclose to the Recipient certain information, all or a portion of which has been classified as Critical Energy Infrastructure Information; and

WHEREAS, the Federal Energy Regulatory Commission has defined Critical Energy Infrastructure Information as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure";

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Recipient agrees as follows:

1. Definition of CEII. For purposes of this Agreement, "Critical Energy Infrastructure Information" or "CEII" shall mean: (i) all information designated as such by FERC, or the Company, whether furnished before or after the date hereof, whether oral, written or recorded/electronic, and regardless of the manner in which it is furnished; and (ii) all reports, summaries, compilations, analyses, notes or other information which contain such information.

2. Use and Protection of CEII.

(a) All CEII shall be maintained by Recipient in a secure place. Recipients may make copies of CEII, but such copies become CEII and subject to these same procedures. Recipients may make notes of CEII, which shall be treated as CEII if they contain CEII.

(b) Although a Recipient of CEII may use CEII as foundation for advice provided to his or her employer or clients, s/he may only discuss CEII with or disclose CEII to another Recipient of the identical CEII. A Recipient may check with the Company to determine whether another individual is a Recipient of the identical CEII.

(c) A Recipient will not knowingly use CEII directly or indirectly for an illegal or non-legitimate purpose.

(d) In the event that the Recipient is required to disclose CEII by subpoena, law or other directive of a court, administrative agency or arbitration panel, the Recipient hereby agrees to provide the Company with prompt notice of such request or requirement in order to enable the Company to (i) seek an appropriate protective order or other remedy, (ii) consult with the Recipient with respect to taking steps to resist or narrow the scope of such request or legal process, or (iii) waive compliance, in whole or in part, with the terms of this Agreement. In the event that such protective order or other remedy is not obtained,

or the Company waives compliance with the provisions hereof, the Recipient hereby agrees to furnish only that portion of the CEII which the Recipient's counsel advises is legally required and to exercise best efforts to obtain assurance that confidential treatment will be accorded such CEII.

3. Return of CEII. In the event that the Company, in its sole discretion, so requests, the Recipient will promptly deliver to the Company all CEII, including all copies, reproductions, summaries, compilations, analyses or extracts thereof.

4. Change in Status. If the Recipient ceases to be a party or intervenor in the siting proceeding to which the CEII provided hereunder relates, the Company may require the return of the CEII or its destruction.

5. CEII "on Loan". Information provided pursuant to this Agreement is deemed to be on loan and must be returned to the Company upon request. If the Recipient is an employee of a federal or State agency, s/he must note that the information is not the property of the agency and is not subject to Freedom of Information/Public Records acts or similar statutes.

6. No Warranty. The CEII is provided "as is" with all faults. In no event shall the Company be liable for the accuracy or completeness of the CEII. The Company shall not have liability to the Recipient, or any other person or entity, for the Recipient's use of any CEII disclosed pursuant to this Agreement.

7. Equitable Relief; Audit. Without prejudice to the rights and remedies otherwise available to the Company, the Company shall be entitled to seek equitable relief by way of injunction or otherwise if the Recipient breaches or threatens to breach any of the provisions of this Agreement. The Company may audit the Recipient's compliance with this Agreement.

8. Survival. The Recipient remains bound by these provisions unless the Company has rescinded it.

9. No Waiver. The Recipient understands and agrees that no failure or delay by the Company in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power or privilege hereunder.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the [State or Commonwealth in which the siting proceeding is pending.]

11. Assignment Prohibited. Any assignment of the Recipient's rights, obligations or duties under this Agreement without the Company's prior written consent shall be void.

12. Entire Agreement. This Agreement contains the entire agreement between the parties concerning the protection of the CEII, and no modification of this Agreement or waiver of the terms and conditions hereof shall be binding upon the parties, unless approved in writing by each of them.

13. Severability. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF, the Recipient has executed this CEII Non-Disclosure Agreement as of the date set forth below.

Signature: _____

Name (please print): _____

Date: _____

Organization: _____

Address: _____

Northeast Utilities Service Company
CEII Identity Verification Form

CRITICAL ENERGY INFRASTRUCTURE INFORMATION (“CEII”) REQUEST INSTRUCTIONS

The attached form facilitates your request for information that is classified by Northeast Utilities (NU) as CEII. For your information, the Federal Energy Regulatory Commission (“FERC”) has defined CEII as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552 (2000); and (4) does not simply give the general location of the critical infrastructure.”

The attached form covers discrete requests for information, including participation in limited purpose working groups (e.g., formed to complete a transmission study). For access to the NEPOOL Reliability Committee (RC) and the Planning Advisory Committee (PAC) planning documents, please refer to the Independent System Operator – New England (ISO-NE) website.

In order for NU to consider your request, you must complete, sign, date and return the following forms:

1. Northeast Utilities Service Company CEII Non-Disclosure Agreement (unless you are employed by FERC or Northeast Utilities)
2. Northeast Utilities Service Company CEII Identity Verification Form (unless you are employed by FERC or Northeast Utilities)

Please understand that changes to these documents are not permissible due to the volume of requests we receive and to ensure that all entities are treated fairly and equally.

Each of these forms requires you to identify yourself as: a registered employee of a Governance or Market Participant; an employee of an ISO or RTO; a state agency employee; a federal agency employee; an employee of an electric reliability organization or regional entity; an employee of a transmission owner in this or another region; a consultant for one of the foregoing entities; or “other.”

Please note that these requests are individual and each person within an entity or organization who will access the CEII must complete these forms.

Finally, note that Northeast Utilities will not act upon your request until these steps are completed. When these steps are completed and reviewed, Northeast Utilities will forward the relevant information to you.

PLEASE BE ADVISED THAT THE DISCLOSURE OF CEII TO YOU IS DISCRETIONARY, AND NORTHEAST UTILITIES MAY REJECT YOUR REQUEST FOR ANY REASON.

Any questions regarding this CEII Request Form may be directed to the CEII Coordinator at (888) 456-2424. All correspondence, including the completed forms, should be mailed or faxed to Northeast Utilities CEII Coordinator, Attention: Reliability Compliance Department, 107 Selden St., Berlin, CT, 06037, fax number (860) 665-2805. Completed forms may also be scanned and sent via e-mail to: compliance@nu.com.

Northeast Utilities Service Company CEII Identity Verification Form

CRITICAL ENERGY INFRASTRUCTURE INFORMATION ("CEII") REQUEST FORM RELEASE – IDENTITY VERIFICATION

1. This form must be accompanied by an original signed Non-Disclosure Agreement, and should be used if you are a party or intervenor in a siting proceeding and are not employed by Northeast Utilities or a federal or state agency. If you have already signed a CEII Non-Disclosure Agreement, please provide the date and purpose: _____

2. The undersigned requests the following information [describe in detail, including reason for request]: _____

3. The undersigned is:
 - a party or intervenor in [Proceeding topic] _____
having been admitted as such on [date] _____
 - an employee of Northeast Utilities, an independent system operator, or a regional transmission organization in North America
 - a state agency employee
 - a federal agency employee
 - an employee of the electricity reliability organization or Regional Entity
 - an employee of a transmission owner in this or another control area
 - a consultant of one of the entities listed above who has been retained to provide advice regarding the matter described in no. 5 below
 - other (please explain) _____

4. The undersigned represents warrants and agrees that the information is to be used solely for the following purpose [describe in detail]: _____

5. If you are a consultant, provide the name and contact information of an individual at the organization that has retained you so that we may verify your role: _____

I acknowledge that the foregoing is true and accurate, and agree to give Northeast Utilities Service Company (NUSCO) immediate notice if any of the foregoing is no longer true. I also consent to NUSCO and its affiliated companies sharing the fact that this request has been made and/or granted, and agree that NUSCO and its parent and affiliated companies shall have no liability to me in connection with this request.

Signature: _____ Date: _____

Name (please print): _____

Organization: _____

Title at Organization: _____

Business Address: _____

E-mail: _____

Phone: _____

Fax: _____

NORTHEAST UTILITIES – INTERNAL USE ONLY

Note: Please do not send this section of the form to NDA recipients.

Identity Verification Process for CEII Requester

Checklist for Included Information:

- All NDA and Identity Verification Form information has been properly filled out
(if no, please resend the forms indicating where missing information is needed)

- The "reason for request" is included (M3-RC-2003.3 Question #2) and corresponds with NU material

Verification Process:

- Ask NU personnel involved in the subject of the request if they are familiar with this individual

- If NU personnel cannot identify the individual, perform a check via the internet or current phone book for the company's existence
(if no company is listed, verify the requestor is a town resident – this may require checking through town records)

- Via the website or phone book, find the address and verify that it matches the one address included in M3-RC-2201.3, "Northeast Utilities Service Company CEII Identity Verification Form."

- Call the requestor employer company and speak to a general administrative assistant or locate the directory. Speak to an individual from the requestor's company (this could be a general receptionist or someone in HR) to verify that the individual works for that company in the position indicated on the form.

Note: Identify yourself as NU personnel attempting to verify the identity of a requestor for protected information. If there is an issue, please refer to M3-RC-2201, "Identification, Protection, and Labeling of CEII Materials," and contact NU Legal.

- Please record the name of the individual you spoke to in this form: _____

- If the requestor has passed all previous verification, obtain approval from a supervisor, manager, or Subject Matter Expert as applicable

Approval signature and Date of Approval:

Print Approver's Name:

- After approval, send the properly labeled information to the requestor (refer to labels in M3-RC-2201, "Identification, Protection, and Labeling of CEII Materials").

Date Requested Information Sent: _____

EXHIBIT F
To Memorandum in Support of
Motion for Protective Order



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

April 17, 2009

Anthony M. Fitzgerald, Esq.
Carmody & Torrance LLP
195 Church St.
P.O. Box 1950
New Haven, CT 06509-1950

RE: **DOCKET 370A** - The Connecticut Light & 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.

Dear Attorney Fitzgerald:

At a meeting of the Council held on April 7, 2009, the Council moved to approve the enclosed Protective Order Proprietary Information Procedures and to adopt the use of these procedures with respect to the "CEII Appendix" proprietary information on the above referenced application.

If you should have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Daniel F. Caruso
Chairman

DFC/CMW/laf

c: Parties and Intervenors

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