

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>_____, 2012</p>
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**PROTECTIVE ORDER RE:
CRITICAL ENERGY INFRASTRUCTURE INFORMATION**

On February 7, 2012, The Connecticut Light and Power Company (CL&P) filed in the above-captioned Docket a volume of documents entitled "CEII Appendix," consisting of:

PART A – NON-REDACTED PLANNING REPORTS

- EX. 1: 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

CL&P asserts that the CEII Appendix contains sensitive critical energy infrastructure information ("CEII"), and has requested that a protective scheme be implemented for this data, and for such other CEII as CL&P may be required to file in this Docket. Consistent with ISO New England, Inc. ("ISO-NE") and the Federal Energy Regulatory Commission ("FERC"), CL&P 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 federal Freedom of Information Act, 5 U.S.C. § 522 (2000); and (4) does not simply give the general location of the critical infrastructure."

CL&P maintains that protecting such critical energy infrastructure information from disclosure is required by security policies of FERC and ISO-NE, and by its own security policy; that its release would be damaging to Applicants' interests and the public interest, including security interests; and that such information is exempt from disclosure under the state Freedom of Information Act pursuant to section 1-210(b)(19) of the General Statutes.

Accordingly, it is

ORDERED

1. Until this Order is modified, access to the CEII Appendix shall be limited as described in Paragraph 4 below.
2. That the CEII Appendix and such information designated as CEII as CL&P shall hereafter file in this Docket 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 and intervenors to whom CEII is furnished may challenge designation of any documents or other information as confidential by motion to the Council 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 filed in this proceeding shall be limited to: (i) registered employees of a Governance or Market Participant as defined in the ISO-NE Open Access Transmission Tariff; (ii) an employee of an Independent System Operator ("ISO") or Regional Transmission Organization ("RTO"); (iii) a state agency employee, including Commissioners and staff of the Council; (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; (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: an employee of ISO-NE or another independent system operator or regional transmission organization in North America; an employee of a Transmission Owner; a state agency official or employee; a federal agency official or employee an employee of the Electricity Reliability Organization; state officials and state agency staff employees, who are provided with access to the CEII must complete a CEII Request From and Non-Disclosure Agreement, similar to the forms attached.

5. That no copies of CEII furnished by CL&P 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 CL&P to be CEII under the terms of this Order shall be clearly marked "CEII" by CL&P, and shall bear an appropriate legend identifying them as such. 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: 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 CL&P 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 Council 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 Council 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 Council'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 CEII made available pursuant to this Order and made part of the record in any proceeding before the Council shall remain in the possession of the Council, under seal, and subject to the protective requirements of this Order, until this Council shall otherwise order.
13. That this Order may be modified on motion of any party or on the Council'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 Council's commissioners, 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 Council 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.

SO ORDERED:

CONNECTICUT SITING COUNCIL

BY 
Robert Stein
Chairman

Dated: 2/16, 2012