

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a
Declaratory Ruling for the Location,
Construction and Operation of a 3.2 MW
Wind Renewable Generating Project on
New Haven Road in Prospect, Connecticut
("Wind Prospect")**

Petition 980

February 16, 2011

PETITIONER BNE ENERGY INC.'S PROPOSED PROTECTIVE ORDER

WHEREAS, Petitioner BNE Energy Inc. ("BNE") has filed with the Connecticut Siting Council ("Council") certain materials and information in response to Council requests and requirements; and

WHEREAS, the materials and information contained in said materials are confidential and proprietary business information of BNE and GE ("Confidential Information") and may be Critical Energy Infrastructure Information ("CEII"); and

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

WHEREAS, BNE desires to protect such information from disclosure to the public.

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

1. This Protective Order shall govern all Confidential Information provided by BNE in response to interrogatories and requests for documents in this petition and all information

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

2. All such Confidential Information made available pursuant to this Protective Order shall be used solely for the purposes of evaluating BNE's Petition and for no other purpose whatsoever.

3. All Confidential Information made available in this petition shall be given solely to the Council and people authorized by the Council to review such information, who shall all be bound by the terms of this Protective Order (such persons to be identified as "Authorized Recipient(s)" for purposes of this Protective Order); provided, however, that each person has executed the attached nondisclosure agreement to be bound by the terms of this Protective Order.

4. All persons granted access to Confidential Information shall take all reasonable precautions to keep this information secure in accordance with the purposes and intent of this Protective Order. No copies shall be made of the Confidential Information unless expressly ordered by the Council.

5. Confidential Information shall be marked as such and delivered in sealed envelopes to the Council. A statement in the following form shall be placed prominently on the outside of each envelope containing such information:

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

6. Any Confidential Information made available pursuant to this Protective Order shall be part of the record in this proceeding, subject to conditions stated in Paragraphs 7 and 8.

7. If Confidential Information is used in any manner in any interrogatory, letter, petition, brief or other writing (“Document”), all references to the Confidential Information in the Document shall be either: (1) in a separate document prominently labeled, “Confidential Information”, which Document shall be safeguarded in accordance with this Protective Order and distributed only to Authorized Recipients; or (ii) solely referenced by title or exhibit, in a manner reasonably calculated not to disclose the Confidential Information.

8. Nothing herein shall be construed as a final determination that any of the Confidential Information will be admissible as substantive evidence in this proceeding or at any hearing or trial. Moreover, nothing herein shall be considered a waiver or grounds for any entity to assert at a later date that the material is or is not proprietary or privileged. No information protected by this Protective Order shall be made public. If the Council rules that some or all of said CEII or Confidential Information should not be subject to the protections herein, said materials shall not be disclosed, but rather shall be returned immediately to BNE.

9. If Confidential Information is disclosed to any person other than in the manner authorized by this Protective Order, the party responsible for such disclosure shall immediately upon learning of the disclosure inform the Petitioner of all pertinent facts relating to such disclosure and shall make every effort to prevent disclosure by each unauthorized person who received such information.

10. Confidential Information made part of the record in this proceeding shall remain in the possession of the Authorized Recipients who have agreed to be bound by the instant Order until returned or destroyed. However, all other copies of such Confidential Information shall be returned to BNE.

SO ORDERED:

CONNECTICUT SITING COUNCIL

By: _____
Daniel F. Caruso, Chairman

Dated: _____, 2011

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

The undersigned hereby acknowledges review of the Protective Order with respect to the Confidential Information filed by BNE Energy Inc. in Siting Council Petition No. 980, and hereby agrees to be bound and abide by the terms thereof in exchange for being given access to such Confidential Information.

Name & Title: _____
(Print)

(Signature)

Date: _____