

**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  
MOTION FOR PROTECTIVE ORDER AND  
MOTION TO FILE UNDER SEAL**

Petitioner BNE Energy Inc. ("BNE") hereby moves that the Connecticut Siting Council ("Council") enter a protective order in this docket to ensure that certain confidential and proprietary business data, which could also be characterized as Critical Energy Infrastructure Information ("CEEI"), provided to the Council is not subject to unrestricted, general public disclosure. BNE moves for permission to file its unredacted confidential and proprietary data under seal. BNE also moves for permission to file unredacted confidential and proprietary information of GE under seal. In support of this motion, BNE represents as follows:

1. As part of its research and overall work product in preparing the petition for this docket, BNE has accumulated and compiled considerable information and data regarding wind resources, wind speeds, wind generation and related information ("raw wind data").

2. BNE has incurred considerable time, resources and expense to compile this raw wind data; data that is key and vital to the placement and proper installation of the wind generating equipment proposed in this proceeding.

3. The raw wind data is proprietary and falls within the category of trade secrets, proprietary and confidential information.

4. The raw wind data is compatible with other related engineering and technical documents that contain proprietary and confidential information.

5. This raw wind data and the related engineering and technical documents may also 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, 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.

4. Further, BNE is filing certain confidential and proprietary information from GE relating to setback considerations and Mechanical Loads Assessments conducted by GE. This information is confidential and proprietary business information to both BNE and GE.

5. Due to the nature of this data and for the reasons stated above, BNE, moves for permission to file such information under seal and moves that the Council impose a protective order on this information because it is proprietary and confidential, as permitted by Pursuant to Conn. Gen. Stat. § 16-50o (c).

Respectfully Submitted,

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Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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