

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
SR NORTH STONINGTON, LLC : PETITION NO. 1443A
DECLARATORY RULING, PURSUANT TO :
CONNECTICUT GENERAL STATUTES §4-176 :
AND §16-50K, FOR THE PROPOSED :
CONSTRUCTION, MAINTENANCE AND :
OPERATION OF A 9.9-MEGAWATT AC :
SOLAR PHOTOVOLTAIC ELECTRIC :
GENERATING FACILITY ON FIVE PARCELS :
LOCATED NORTH AND SOUTH OF :
PROVIDENCE NEW LONDON TURNPIKE :
(STATE ROUTE 184), WEST OF :
BOOMBRIDGE ROAD AND NORTH OF :
INTERSTATE 95 IN NORTH STONINGTON, :
CONNECTICUT, AND ASSOCIATED :
ELECTRICAL INTERCONNECTION. :
REOPENING OF THIS PETITION BASED ON :
CHANGED CONDITIONS PURSUANT TO :
CONNECTICUT GENERAL STATUTES §4- :
181A(B). : OCTOBER 2, 2024

MOTION FOR PROTECTIVE ORDER
AND MEMORANDUM OF LAW

SR North Stonington, LLC (“Petitioner”) hereby moves that the Connecticut Siting Council (“Council”) issue protective order in Petition No. 1443A (the “Petition”) to protect from public disclosure Petitioner’s actual costs of constructing the photovoltaic electric generating facility approved by the Council in the Petition (“Facility”). This motion is filed pursuant to Section 1-210(b)(5) of the Connecticut General Statutes (“Conn. Gen. Stat.”), Section 16-50j-62(d) of the Regulations of Connecticut State Agencies (“RCSA”), and the Council’s Procedures for Filing Proprietary Information Under Protective Order.

As background, the Council’s October 28, 2022 approval of the Petitioner’s Partial Development and Management Plan required Petitioner to file a final report pursuant to RCSA §

16-50j-62(c), which is required to include the “the actual construction cost of the facility.”

Petitioner submits that the “the actual construction cost” of its Facility constitutes confidential and proprietary information and trade secrets under Connecticut's Freedom of Information Act (“FOIA”), and hence is not subject to public disclosure. Therefore, Petitioner moves for permission to file its unredacted confidential and proprietary data related to the Facility under seal. In support of this motion, Tesla states as follows:

1. The Council has requested submission of the final report required by RCSA Section 16-50j-62(c) for the Facility (the “Final Report”).
2. Per RCSA Section 16-50j-62(c)(5), the Final Report must identify “the actual construction cost of the facility, including, but not limited to, the following costs:
 - a. clearing and access;
 - b. construction of the facility and associated equipment;
 - c. rehabilitation; and
 - d. property acquisition for the site or access to the site.”
3. Per RCSA Section 16-50j-62(d), the “facility owner or operator, may file a motion for a protective order pertaining to commercial or financial information related to the site...”
4. Under its procedures, the Council permits the protection of “proprietary information,” defined as “any information that may be exempt from public disclosure under FOIA, Conn. Gen. Stat. §1-210(b).” *Connecticut Siting Council - Procedures for Filing Proprietary Information Under Protective Order*, available at <https://portal.ct.gov/csc/application-guide/filing-guides/protective-order-procedures>.
5. Conn. Gen. Stat. §1-210(b)(5)(A), exempts from public disclosure “trade secrets,” defined as “information, including formulas, patterns, compilations, programs, devices,

methods, techniques, processes, drawings, cost data . . . that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy.” The construction cost information requested to be included in the Final Report constitutes “trade secrets”, as it falls squarely within “cost data.”

6. Per the attached Affidavit of Richard A. Johnson, Secretary for Silicon Ranch Corporation, the parent and sole shareholder of Petitioner, dated September 30, 2024 (“Affidavit”), Petitioner does not publish or disclose this information publicly. Petitioner’s contracts with outside contractors contain confidentiality provisions which are general in nature and cover project costs, while Petitioner employees are prohibited from disclosing certain project information, including construction costs, under their terms of employment; therefore, such information is not generally known to and not readily ascertainable by proper means by competitors or customers. Affidavit ¶¶ 3-8.
7. This cost information is valuable due to the fact that it is not publicly known. Petitioner competes with many other solar developers for wholesale and retail solar customers and for highly-sought after commercial renewable energy development rights. The public disclosure of this proprietary cost information would also allow competitors insight into the cost calculus of Petitioner’s solar facility development without allowing Petitioner reciprocal access to information regarding competitors’ costs. This would allow Petitioner’s competitors to develop future competing bids in a manner to undercut Petitioner’s business, thereby putting Petitioner at a competitive disadvantage. Disclosure

of this proprietary cost information to Petitioner's customers and potential future customer base would put Petitioner at a bargaining disadvantage in negotiations related to project pricing. Affidavit ¶¶ 3-8.

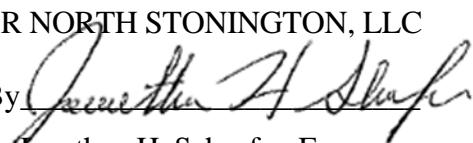
8. In addition, Conn. Gen. Stat. § 1-210(b)(5)(B) exempts from public disclosure “[c]ommercial or financial information given in confidence, not required by statute.” The construction cost information requested to be included in the Final Report is “commercial and financial in nature” due to the competitive market conditions discussed above and the potential implications on Petitioner’s business if the cost information were disclosed to competitors and customers. *See* Affidavit ¶¶ 3-8. Disclosure of these construction costs is not required by statute, and the Council’s regulation that requests the data specifically envisions its protection from disclosure. *See* RCSA Section 16-50j-62(d).
9. Consequently, this information is exempt from public disclosure under Conn. Gen. Stat. § 1-210(b).

For the reasons set forth above and in the Affidavit, Petitioner respectfully seeks a protective order with regard to Petitioner providing of Facility construction cost information to the Council, and for permission to file its unredacted confidential and proprietary data related to each of the three above-captioned projects under seal.

Respectfully submitted,

SR NORTH STONINGTON, LLC

By



Jonathan H. Schaefer, Esq.
Robinson & Cole LLP
One State Street
Hartford, CT 06103
Its Attorney

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

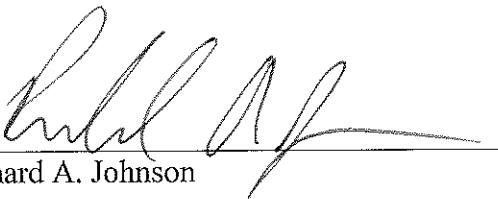
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181A(B). : SEPTEMBER 30, 2024

AFFIDAVIT OF RICHARD A. JOHNSON

I am over the age of eighteen and understand the obligations of making statements under oath. The following statements are true to the best of my knowledge and belief.

1. My name is Richard A. Johnson. I am the Secretary for Silicon Ranch Corporation, the parent and sole shareholder of SR North Stonington, LLC (“Petitioner”). My responsibilities include keeping the corporate records of Petitioner, which is in the business of the development, construction, operation and maintenance of utility-scale solar energy systems.
2. I submit this affidavit in support of Petitioner’s Motion for Protective Order with respect to certain facility construction cost information contained in the final report for the above-captioned project.
3. Petitioner operates in a competitive market environment with low and long-term margins where any competitive advantage can have large and lasting implications. Petitioner competes with many other solar developers for wholesale and retail solar customers and for highly-sought after commercial renewable-energy development rights and power purchase agreements.

4. Information related to the actual construction cost of the above-captioned projects are "commercial and financial in nature" and are not generally known to and not readily ascertainable by proper means by competitors or customers of Petitioner. Petitioner considers this information to be proprietary and an essential component of its business.
5. The public disclosure of this proprietary cost information would also allow competitors insight into the cost calculus of Petitioner's solar facility development without allowing Petitioner reciprocal access to information regarding competitors' costs, thus allowing competitors to develop future competing bids in a manner to undercut Petitioner's business, putting Petitioner at a competitive disadvantage. Disclosure of this proprietary cost information to Petitioner's customers and potential future customer-base will put Petitioner at a bargaining disadvantage in negotiations related to project pricing.
6. Petitioner's facility construction cost information constitutes commercially sensitive information that is not generally known to and not readily ascertainable by proper means by other persons who can obtain economic value from their disclosure or use. The public disclosure of this information will put Petitioner at a competitive disadvantage, especially because Petitioner does not have reciprocal access to the same types of information from its competitors.
7. Petitioner considers the construction cost information, contained in Petitioner's final report to the Connecticut Siting Council required by Section 16-50j-62 (c) of the Regulations of Connecticut State Agencies, to be proprietary and confidential trade secrets and do not publicly disseminate such information. Petitioner does not publish or disclose this information publicly. All Petitioner contracts with outside contractors contain confidentiality provisions which are general in nature and cover project costs, while Petitioner employees are prohibited from disclosing certain project information, including construction costs, under their terms of employment.
8. To the best of my knowledge, construction cost information related to the above-captioned projects have not been disclosed or released to the public.



Richard A. Johnson

Subscribed and sworn to before

me this 30th day of September, 2024

Mary Ballou
Notary Ex: 1-11-26



**PROTECTIVE ORDER CONCERNING PROVISION OF CONFIDENTIAL
PROPRIETARY INFORMATION FILED IN PETITION NO. 1443A**

WHEREAS, as required by Section 16-50j-62(c) of the Regulations of Connecticut State Agencies (“RCSA”), SR North Stonington, LLC (“Petitioner”) is filing with the Connecticut Siting Council (“Council”) the final report for each of Petition No. 1443A;

WHEREAS, pursuant to RCSA Section 16-50j-62(c)(5), the final report must identify the actual construction cost of the facility, including, but not limited to, the following costs: (A) clearing and access; (B) construction of the facility and associated equipment; (C) rehabilitation; and (D) property acquisition for the site or access to the site;

WHEREAS, such actual construction cost information contains information and data that would, in the opinion of Petitioner result in the disclosure of: (a) Petitioner’s confidential, proprietary, or otherwise sensitive commercial and financial information that is given in confidence and not required by statute under Conn. Gen. Stat. §1-210(b)(5)(B), and (b) Petitioner’s trade secrets under Conn. Gen. Stat. §1-210(b)(5)(A) (“Confidential Information”); and

WHEREAS, RCSA Section 16-50j-62(d) expressly permits a facility owner or operator to file a motion for a protective order pertaining to commercial or financial information in a final report.

NOW, THEREFORE, it is hereby ordered that the following procedure is adopted for the protection of Petitioner’s Confidential Information.

1. All Confidential Information provided by Petitioner, whether in documentary form or otherwise, shall be identified as follows: “CONFIDENTIAL- PROPRIETARY INFORMATION SUBJECT TO PROTECTIVE ORDER IN PETITION NO. 1443A” and will be governed by the terms of this Protective Order (the “Order”). The Order is applicable to all such Confidential Information, whether in the form of documents, data, testimony, studies or otherwise.
2. Confidential Information shall be marked as such and delivered in sealed envelopes to Melanie Bachman, Executive Director of the Council. A statement in the following form shall be placed prominently on each envelope:

CONFIDENTIAL-PROPRIETARY

This envelope is not to be opened nor
the contents thereof displayed or
revealed except pursuant to the
Protective Order issued in connection
with Petition No. 1443A.

3. All Confidential Information shall be made available pursuant to this Order to commissioners and staff of the Council for review.
4. All such commissioners and staff to this protective order agree to be bound by its terms and shall not use or disclose the Confidential Information except for purposes of this proceeding.

CONNECTICUT SITING COUNCIL

By _____
Chairman

Dated: _____