

STATE OF CONNECTICUT

SITING COUNCIL

<p>The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for (1) The Greater Springfield Reliability Project consisting of a new 345-kV electric transmission line and associated facilities from the North Bloomfield Substation in Bloomfield to the Connecticut/Massachusetts border, together with associated improvements to the North Bloomfield Substation, and potentially including portions of a new 345-kV electric transmission line between Ludlow and Agawam, Massachusetts that would be located in the Towns of Suffield and Enfield, Connecticut; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut.</p>	<p>DOCKET NO. 370</p>
	<p>October 30, 2008</p>

**MOTION OF THE CONNECTICUT LIGHT AND POWER COMPANY
FOR A PROTECTIVE ORDER WITH RESPECT TO THE "CEII APPENDIX"
TO THE ABOVE CAPTIONED APPLICATION**

The Connecticut Light and Power Company ("CL&P") hereby moves that the Connecticut Siting Council ("Council") enter a protective order in this docket to ensure that certain critical energy infrastructure information ("CEII") provided to the Council is not subject to unrestricted, general public disclosure. Specifically, for the reasons set forth in the attached Memorandum of Law in Support of Motion for Protective Order (the "Memorandum"), and the attached Affidavit of Allen W. Scarfone filed this day with the Council, CL&P asks that this

protective order apply to **The “CEII Appendix” to the Application in the above captioned Docket**, which consists of:

- A. Supplement to Vol. 1, Section F – Project Need: (This supplement provides detailed results of power-flow studies identifying specific weaknesses and vulnerabilities in the Bulk Power Supply system.)
- B. Complete Chapter Six and Appendices A-2 and A-3 of *Report of ICF Resources LLP: Assessment of Non-Transmission Alternatives to the NEEWS Transmission Projects: Greater Springfield Reliability Project*, September 2008 (A copy of this report, with redactions to Chapter Six and Appendices A-2 and A-3, is included in Vol. 5 of the Application. The full chapter reproduced in the CEII Appendix provides detailed results of power-flow studies identifying specific weaknesses and vulnerabilities in the Bulk Power Supply system.)

and to such other CEII as CL&P may be required to file in this Docket. An original and four copies of the CEII Appendix have been filed contemporaneously with this motion in sealed envelopes. Part of the CEII Appendix consists of a Compact Disc containing approximately 1200 pages of power-flow data. CL&P has filed one paper copy of this data, in addition to the four CDs.

CL&P seeks to protect the CEII Appendix and such other CEII as may later be filed from unrestricted disclosure to the public because it contains detailed results of load flow analyses identifying specific weaknesses and vulnerabilities of the transmission systems of Greater Springfield, Massachusetts, and north-central Connecticut.

As explained more fully in the accompanying Memorandum of Law, this information is required to be accorded confidential treatment by the policies of the Federal Energy Regulatory Commission, as stated in its Order 890, issued February 16, 2007; and by policies of the Independent System Operator, New England and CL&P. The information is exempt from disclosure under the Connecticut Freedom of Information Act, Conn. Gen. Stats. Sec.1-200 *et*


seq., because disclosure of the information may result in a risk of harm to a facility owned by a public service company.

CL&P asks that disclosure of the Confidential Information under the protective order be limited and that parties and intervenors who are not otherwise entitled to have access to the information who wish to review it be required to execute an application and non disclosure agreement, the forms of which are attached to the proposed protective order filed herewith.

Respectfully submitted,

**THE CONNECTICUT LIGHT AND POWER
COMPANY**

By: _____


Anthony M. Fitzgerald
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Its Attorneys
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(203) 777-5501

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<p>The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for (1) The Greater Springfield Reliability Project consisting of a new 345-kV electric transmission line and associated facilities from the North Bloomfield Substation in Bloomfield to the Connecticut/Massachusetts border, together with associated improvements to the North Bloomfield Substation, and potentially including portions of a new 345-kV electric transmission line between Ludlow and Agawam, Massachusetts that would be located in the Towns of Suffield and Enfield, Connecticut; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut.</p>	<p>DOCKET NO. 370</p> <p>October 30, 2008</p>
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**PROTECTIVE ORDER RE:
CRITICAL ENERGY INFRASTRUCTURE INFORMATION**

On October 30, 2008, The Connecticut Light and Power Company (CL&P) filed in the above-captioned Docket a volume of documents entitled “**CEII Appendix**,” consisting of:

- A. Supplement to Vol. 1, Section F – Project Need
- B. Complete Chapter Six and Appendices A-2 and A-3 of Report of ICF Resources LLP: *Assessment of Non-Transmission Alternatives to the NEEWS Transmission Projects: Greater Springfield Reliability Project*, September 2008

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 _____
Daniel F. Caruso
Chairman

Dated: _____, 2008

CEII Request Form

SECTION I

CRITICAL ENERGY INFRASTRUCTURE INFORMATION ("CEII") REQUEST FORM PURSUANT TO PROTECTIVE ORDER

1. This form must be accompanied by an original signed Non-Disclosure Agreement or a Subscription to a Protective Order entered in an administrative proceeding, if you are a party or intervenor in an administrative proceeding and are not employed by the Independent System Operator, New England (ISO-NE) or a federal or state agency. If you have already signed a CEII Non-Disclosure Agreement, please provide the date: _____

2. The undersigned requests the following information:

Connecticut Siting Council Dkt. 370, CEII Appendix to Application

Any additional material to be filed in this Docket for which CEII status is claimed by the Applicant.

3. The undersigned is:
- a party or intervenor in the proceeding identified in paragraph 3, having been admitted as such on _____.
 - an employee of ISO-NE or 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
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 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: _____ Name (please print): _____

Organization: _____ Business Address: _____

Email: _____ Phone: _____

Fax: _____ Date: _____

SECTION II

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

The undersigned hereby acknowledges review of the Protective Order filed
on _____, 2008 _____ in Docket No 370 before the Connecticut Siting Council, and
hereby agrees to abide by the terms thereof, in exchange for receipt of

Connecticut Siting Council Dkt. 370, CEII Appendix to Application

**Any additional material to be filed in this Docket for which CEII status is claimed by
the Applicant.**

Recipient: _____

Date: _____

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AFFIDAVIT OF ALLEN W. SCARFONE

STATE OF CONNECTICUT)
) ss: New Britain October 28, 2008
COUNTY OF HARTFORD)

Allen W. Scarfone, being duly sworn, states:

1. I am Manager, Transmission System Planning, for Northeast Utility Service Company, which provides transmission planning services to The Connecticut Light and Power Company. My office is located at 107 Selden Street, Berlin,

Connecticut. I am over the age of eighteen years and understand the obligations of making statements under oath.

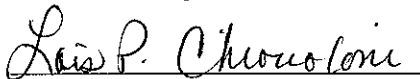
2. I am familiar with the Application in Docket No. 370, now pending before the Connecticut Siting Council, and with the contents of the CEII Appendix to that application.

3. I submit this affidavit in support of a Motion for Protective Order filed by CL&P seeking to limit disclosure of the CEII Appendix.

4. The CEII Appendix provides detailed information concerning weaknesses and vulnerabilities in the transmission systems of Greater Springfield, Massachusetts and north-central Connecticut, the disclosure of which could result in a risk of harm to facilities owned by a public service company.


Allen W. Scalfone

Subscribed and sworn to before
me this 28 day of October, 2008


Notary Public
My Commission Expires:

MY COMMISSION EXPIRES
MARCH 31, 2009