

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

NORTHEAST UTILITIES SERVICE : DOCKET NO. 272
COMPANY APPLICATION TO THE :
CONNECTICUT SITING COUNCIL :
FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED (“CERTIFICATE”) :
FOR THE CONSTRUCTION OF A NEW :
345-KV ELECTRIC TRANSMISSION :
LINE FACILITY AND ASSOCIATED :
FACILITIES BETWEEN SCOVILL :
ROCK SWITCHING STATION IN :
MIDDLETOWN AND NORWALK :
SUBSTATION IN NORWALK, INCLUDING :
PORTIONS OF EXISTING 115-KV :
AND 345-KV ELECTRIC TRANSMISSION :
LINES, THE CONSTRUCTION OF :
BESECK SWITCHING STATION IN :
WALLINGFORD, EAST DEVON :
SUBSTATION IN MILFORD, AND :
SINGER SUBSTATION IN BRIDGEPORT, :
MODIFICATIONS AT SCOVILL ROCK :
SWITCHING STATION AND NORWALK :
SUBSTATION, AND THE :
RECONFIGURATION OF CERTAIN :
INTERCONNECTIONS : JUNE 29, 2004

**MOTION OF THE CONNECTICUT LIGHT AND POWER COMPANY AND THE
UNITED ILLUMINATING COMPANY FOR A PROTECTIVE ORDER**

The Connecticut Light and Power Company (“CL&P”) and The United Illuminating Company (“UI”) (collectively “Companies”) hereby move that the Connecticut Siting Council (“Siting Council”) enter a protective order in this docket to ensure that certain confidential and proprietary information provided to the Siting Council, its staff, counsel, and consultants, and to other parties and intervenors who also seek this information, is not subject to public disclosure. Specifically, for the reasons set forth in the attached Affidavit

of Anne Bartosewicz dated June 29, 2004 and the Affidavit of John Prete, dated June 29, 2004 and filed this day with the Siting Council, the Companies ask that this protective order apply to the electrical system map provided to the Council as an attachment to the Companies' response to CSC-03, Q-CSC—058, and the electrical system one-line diagrams provided as attachments to their responses to CSC-03, Q-CSC-059 and Q-CSC-060 (collectively, "the Confidential Information"). The Companies seek to protect the Confidential Information from disclosure to the general public because it contains confidential, proprietary information regarding the configuration of the Connecticut electric system that is exempt from disclosure under the Connecticut Freedom of Information Act. See Conn. Gen. Stat. § 1-210(b)(5) (proprietary information); see also Conn. Gen. Stat. § 1-210(b) (19) (records for which disclosure may result in a safety risk, including the risk of harm to a facility owned by a public service company).

The Companies ask that disclosure of the Confidential Information under the protective order be limited to: (1) the Siting Council, its staff, its counsel, and its consultant; (2) any parties or intervenors in this proceeding who make a written request for the Confidential Information, including their counsel and consultants, provided such persons are willing to sign a confidentiality agreement regarding the Confidential Information. The Companies ask that the protective order expressly provide that each person affirm that he or she will not distribute or copy the Confidential Information.

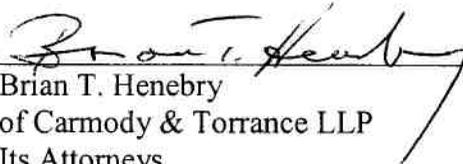
If the Siting Council were to receive a request for the Confidential Information pursuant to the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-210 et seq., the Companies request that the Siting Council inform them of such a request within 24 hours. The Companies stipulate that the Siting Council has no duty or obligation to participate in any proceedings

before the Connecticut Freedom of Information Commission with regard to such a request, or to participate in any appeals of the ruling of the Connecticut Freedom of Information Commission.

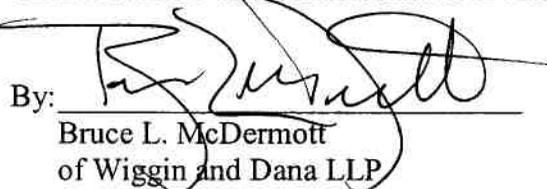
For the above reasons, the Companies respectfully move that the Siting Council grant the Companies' motion and issue a protective order that protects and prohibits from disclosure the Confidential Information.

Respectfully submitted,

**THE CONNECTICUT LIGHT AND POWER
COMPANY**

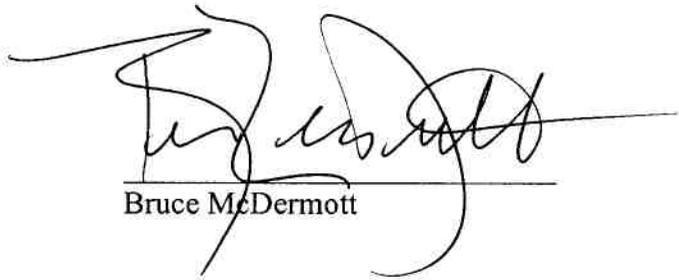
By: 
Brian T. Henebry
of Carmody & Torrance LLP
Its Attorneys
195 Church Street
New Haven, CT 06509-1950
(203) 777-5501

THE UNITED ILLUMINATING COMPANY

By: 
Bruce L. McDermott
of Wiggin and Dana LLP
Its Attorneys
One Century Tower
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832
(203) 498-4322

CERTIFICATION

This is to certify that on this _____ day of June, 2004, an original and twenty (20) copies of the foregoing were delivered by hand to The Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051, and one (1) copy was mailed, postage prepaid, on this same date to all other known parties and intervenors.



Bruce McDermott

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**PROTECTIVE ORDER CONCERNING THE CONNECTICUT LIGHT AND
POWER COMPANY'S AND THE UNITED ILLUMINATING COMPANY'S
PROVISION OF CONFIDENTIAL INFORMATION**

WHEREAS, The Connecticut Light and Power Company ("CL&P") and The United Illuminating Company ("UI") (collectively, "Companies") are providing information to the Connecticut Siting Council ("Siting Council"), its staff, counsel and independent consultants and, upon written request, to other parties and intervenors in the above-captioned proceeding, which information would, in the opinion of the Companies, result in the disclosure of

confidential, proprietary information. Specifically, the Companies are providing detailed maps and one-line diagrams of the Connecticut electric system in response to CSC-03, Q-CSC-058, Q-CSC-59 and Q-CSC-060 (“the Confidential Information”).

NOW, THEREFORE, it is hereby ordered, that the following procedure is adopted for the protection of the Confidential Information provided by the Companies:

1. The Confidential Information provided by the Companies, whether in documentary form or otherwise, shall be identified essentially as follows: “Docket No. 272 Confidential Information,” and will be governed by the terms of this Protective Order (“Order”). The Order is applicable to all such Confidential Information.

2. All Confidential Information made available pursuant to this Order shall be given to: (1) the Siting Council, its staff, and its counsel; (2) other parties and intervenors in this proceeding, including their counsel and consultants, provided they make a written request to the Companies for the Confidential Information. Before having access to the Confidential Information, each of the persons in (2) must become signatories to the Nondisclosure Agreement attached hereto as Exhibit 1 (hereinafter each referred to individually as “Signatory” and collectively as “Signatories”) except that representatives of the Companies and their counsel shall be granted access to the Confidential Information without having to become Signatories.

3. All recipients of Confidential Information and Signatories under this Order are bound by the terms of the Order and shall not use the Confidential Information for

any purpose other than the purpose of preparation for and conduct of this proceeding solely as contemplated herein and shall in good faith take all reasonable precautions to keep the Confidential Information secure in accordance with the purposes and intent of the Order.

4. Confidential Information will be marked as such and delivered in sealed envelopes to the Siting Council and to any other parties or intervenors who make a written request for the Confidential Information. A statement essentially in the following form shall be placed prominently on each envelope:

“CONFIDENTIAL-PROPRIETARY

This envelope is not to be opened nor the contents to be displayed or revealed except pursuant to the pertinent Protective Order issued in Docket No. 272.”

5. The Confidential Information made available pursuant to the Order shall be part of the record in the docket cited above, subject to the same relevancy and other evidentiary considerations as non-confidential information, subject to the conditions stated in Paragraphs Six of the Order.

6. If the Confidential Information is used in any manner in any interrogatory, letter, petition, brief or other writing (“Document”), all reference to the Confidential Information in the Document shall be either:

- (a) in a separate document, prominently labeled “Proprietary Information,” which document shall be safeguarded in accordance

with the Order and distributed only to the Siting Council members and staff, Signatories, and counsel and representatives of the Companies;
or

(b) solely by title or exhibit reference, in a manner reasonably calculated not to disclose the Confidential Information.

7. 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 of any party's right to assert at a later date that the material is or is not proprietary or privileged. A party seeking to change the terms of the Order shall by motion give every other party five (5) Siting Council business days prior written notice. No information protected by the Order shall be made public until the Siting Council rules on any such motion to change the terms of the Order. Confidential Information otherwise properly discovered, even though also subject to the terms of the Order, shall not be considered protected by the Order.

8. All copies of such Confidential Information shall be returned to the Companies no later than thirty (30) days after the expiration of all appeal periods applicable to the final decision rendered in this proceeding.

9. If the Siting Council receives a request for the Confidential Information under the terms of the Connecticut Freedom of Information Act, Conn. Gen.

Stat. § 1-210 et seq., the Siting Council will notify the Companies within 24 hours of receipt of such request. However, the Siting Council has no duty or obligation to participate in any proceedings before the Connecticut Freedom of Information Commission, or any appeals of the ruling of the Connecticut Freedom of Information Commission, with regard to such request.

CONNECTICUT SITING COUNCIL

Dated: _____, 2004

By _____
Chair

REVIEWED AND ACKNOWLEDGED:

The undersigned hereby acknowledges that he or she has reviewed this Protective Order, and hereby agrees to abide by the terms thereof, in exchange for receipt of Confidential Information from The Connecticut Light and Power Company and The United Illuminating Company.

This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original but all of which together shall constitute one and the same agreement. This Agreement shall be valid and enforceable as to any signing party.

For: _____

Dated: _____, 2004

By _____

**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 June 29, 2004 in Docket No. 272 before the Connecticut Siting Council, and hereby agrees to abide by the terms thereof, in exchange for receipt of the Confidential Information from The Connecticut Light and Power Company and/or The United Illuminating Company.

Recipient: _____

Date: _____

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AFFIDAVIT OF JOHN J. PRETE

STATE OF CONNECTICUT)		
	: ss:	New Haven	June 29, 2004
COUNTY OF NEW HAVEN)		

John Prete, being duly sworn, states:

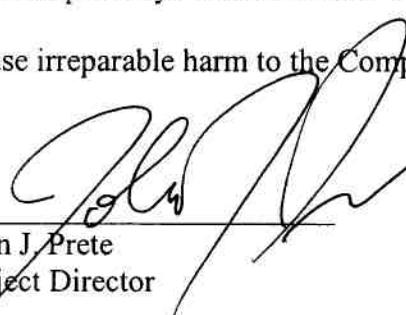
1. I am the Project Director for The United Illuminating Company ("UI" or the "Company") for the Middletown to Norwalk Project. My office is located at 157 Church Street, New Haven, Connecticut. I am over the age of eighteen years and understand the obligations of making statements under oath.

2. I am familiar with Docket No. 272 now pending before the Connecticut Siting Council ("Council").

3. I submit this affidavit in support of the Motion for Protective Order filed by UI and The Connecticut Light and Power Company ("the Companies") contemporaneously herewith requesting a ruling from the Council that certain information filed by UI in this docket constitutes "Confidential Information" under the Protective Order filed contemporaneously herewith.

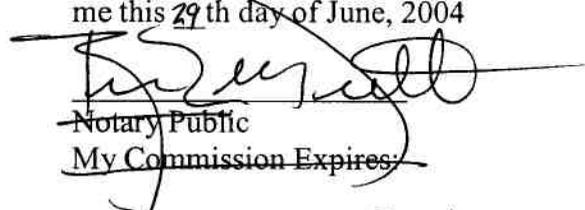
4. The map and one-line diagrams of the Connecticut electric system provided by the Companies in response to CSC-03, Q-CSC-058, Q-CSC-059 and Q-CSC-060, respectively, are considered confidential, proprietary information. In addition, the disclosure of the Confidential Information may result in a risk of harm to facilities owned by the Companies.

5. The Company does not publicly disclose information of this nature and disclosure of such information would cause irreparable harm to the Company.



John J. Prete
Project Director

Subscribed and sworn to before
me this 29th day of June, 2004



Notary Public

My Commission Expires:

COMMISSIONER OF
SUPERIOR COURT

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AFFIDAVIT OF ANNE BARTOSEWICZ

STATE OF CONNECTICUT)
 : ss: New Haven June 29, 2004
COUNTY OF NEW HAVEN)

Anne Bartosewicz, being duly sworn, states:

1. I am the Project Director for The Connecticut Light and Power Company ("CL&P" or the "Company") for the Middletown to Norwalk Project. My office is located at 107 Shelden 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 Docket No. 272 now pending before the Connecticut Siting Council ("Council").

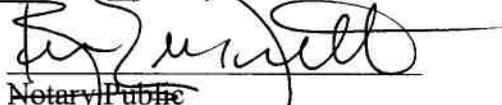
3. I submit this affidavit in support of the Motion for Protective Order filed by CL&P and The United Illuminating Company ("the Companies") contemporaneously herewith requesting a ruling from the Council that certain information filed by CL&P in this docket constitutes "Confidential Information" under the Protective Order filed contemporaneously herewith.

4. The map and one-line diagrams of the Connecticut electric system provided by the Companies in response to CSC-03, Q-CSC-058, Q-CSC-059 and Q-CSC-060, respectively, are considered confidential, proprietary information. In addition, the disclosure of the Confidential Information may result in a risk of harm to facilities owned by the Companies.

5. The Company does not publicly disclose information of this nature and disclosure of such information would cause irreparable harm to the Company.


Anne Bartosewicz
Project Director

Subscribed and sworn to before
me this 29th day of June, 2004


Notary Public

My Commission Expires:

COMMISSIONER OF
SUPERIOR COURT
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