

STATE OF CONNECTICUT  
SITING COUNCIL

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PETITION OF THE UNITED ILLUMINATING	:	PETITION NO. _____
COMPANY FOR A DECLARATORY RULING	:	
THAT NO CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED IS REQUIRED	:	
REGARDING MODIFICATIONS TO THE 115-Kv	:	
TRANSMISSION LINES IN MILFORD,	:	
CONNECTICUT	:	APRIL 7, 2015

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**MOTION OF THE UNITED ILLUMINATING COMPANY  
FOR PROTECTIVE ORDER**

On April 7, 2015 The United Illuminating Company (“UI” or the “Company”) filed a Petition for Declaratory Ruling for a determination from the Connecticut Siting Council (“Council”) that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to the 115-kV transmission lines structures outside the Milvon substation in Milford, Connecticut (the “Petition”).

The Company hereby moves that the Council enter a protective order in this proceeding (“Protective Order”) to ensure that confidential information provided to the Council on this day is not subject to public disclosure. For the reasons set forth in the Affidavit of Richard Reed, dated April 7, 2015, UI asks that the protective order specifically include the information contained in the Company’s Petition.

The Petition contains Critical Energy Infrastructure Information (“CEII”) as defined by the Federal Energy Regulatory Commission (“FERC”).<sup>1</sup> The FERC requires specific

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<sup>1</sup> CEII is “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person in planning an attack on critical infrastructure; (iii) is

procedures for the handling of CEII, including established marking requirements as well as ensuring that any sharing of CEII is for a legitimate purpose and done in such a manner to ensure that CEII is not placed in the public domain. Public disclosure of CEII would be contrary to standards established by FERC that are aimed at protecting the security, public health and safety, and the economic security of the United States. Accordingly, the Company seeks confidential treatment for the above-mentioned attachment. The Company also asks that recipients of such CEII be required to abide by existing best practices for maintaining the security of CEII.<sup>2</sup>

For the above reasons, UI respectfully moves that the Council grant the Company's Motion for Protective Order.

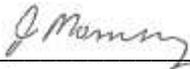
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exempt from mandatory disclosure under the Freedom of Information Act; and (iv) does not simply give the general location of the critical infrastructure.”

<sup>2</sup> For example, (i) recipients of CEII may only discuss CEII with another recipient of the identical CEII, (ii) recipients of CEII may use CEII as foundation advice provided to others but may not disclose CEII to another individual unless that individual is an approved CEE recipient of the same CEII, (iii) recipients of CEII will not use it for an illegal or non-legitimate purpose, and (iv) the CEII is to be maintained in a secure place with access limited to CEEI recipient of the identical material.

Respectfully submitted,

**THE UNITED ILLUMINATING COMPANY**

By:  \_\_\_\_\_

James R. Morrissey  
Legal Analyst  
UIL Holdings Corporation  
157 Church Street  
New Haven, CT 06506-0901  
(203) 499-2422

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PETITION OF THE UNITED ILLUMINATING  
COMPANY FOR A DECLARATORY RULING  
THAT NO CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED IS REQUIRED  
REGARDING MODIFICATIONS TO THE 115-Kv  
TRANSMISSION LINES IN MILFORD,  
CONNECTICUT

PETITION NO. \_\_\_\_\_  
APRIL 7, 2015

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**AFFIDAVIT OF RICHARD J. REED**

STATE OF CONNECTICUT        )  
  : ss:   Orange                    April 7, 2015  
COUNTY OF NEW HAVEN        )

I, Richard Reed, being duly sworn, states:

1.       I am the Vice President – Engineering and Project Excellence, for The United Illuminating Company (“UI” or the “Company”), 180 Marsh Hill Road, Orange, Connecticut. I am over the age of eighteen years and understand the obligations of making statements under oath.

2.       I am familiar with UI’s Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to the 115-kV transmission lines structures outside Milvon substation in Milford, Connecticut (the “Petition”).

3.       I submit this affidavit in support of the Company’s Motion for Protective Order filed contemporaneously herewith requesting a ruling from the Council that

various information contained in the Company's Petition constitutes "Confidential Information" entitled to confidential treatment.

4. The Petition contains Critical Energy Infrastructure Information ("CEII") as defined by the Federal Energy Regulatory Commission ("FERC").<sup>1</sup> The FERC requires specific procedures for the handling of CEII, including established marking requirements as well as ensuring that any sharing of CEII is for a legitimate purpose and done in such a manner to ensure that CEII is not placed in the public domain. Public disclosure of CEII would be contrary to standards established by FERC that are aimed at protecting the security, public health and safety, and the economic security of the United States. Accordingly, the Company seeks confidential treatment for the D&M Plan. The Company also asks that recipients of such CEII be required to abide by existing best practices for maintaining the security of CEII.<sup>2</sup>

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<sup>1</sup> CEII is "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person in planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the Freedom of Information Act; and (iv) does not simply give the general location of the critical infrastructure."

<sup>2</sup> For example, (i) recipients of CEII may only discuss CEII with another recipient of the identical CEII, (ii) recipients of CEII may use CEII as foundation advice provided to others but may not disclose CEII to another individual unless that individual is an approved CEE recipient of the same CEII, (iii) recipients of CEII will not use it for an illegal or non-legitimate purpose, and (iv) the CEII is to be maintained in a secure place with access limited to CEEI recipient of the identical material.

5. The Company has used its best efforts to keep and maintain the Confidential Information secret. To the best of my knowledge, such information has not been disclosed or released to the public.

  
Richard J. Reed

Subscribed and sworn to before  
me this 7<sup>th</sup> day of April, 2015

  
Commissioner of Superior Court  
Notary Public  
My Commission Expires:

**LISA S. JOHNSON**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES SEPT. 30, 2019**



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**PROTECTIVE ORDER CONCERNING  
THE UNITED ILLUMINATING COMPANY'S  
PROVISION OF CONFIDENTIAL AND PROPRIETARY INFORMATION**

WHEREAS, The United Illuminating Company (“UI” or the “Company”) is providing information to the Connecticut Siting Council (“Council”) in Petition No. \_\_\_\_\_ in connection with its Petition for Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed modifications to the 115-kV transmission lines structures outside of Milvon Substation in Milford, Connecticut (the “Petition”), which information would, in the opinion of the Company, result in the disclosure of commercially sensitive, confidential and proprietary information, including Critical Energy Infrastructure Information (“CEII”) as defined by the Federal Energy Regulatory Commission (“FERC”).<sup>1</sup>

NOW, THEREFORE, it is hereby ordered, that the following procedure is adopted for the protection of the information provided by the Company (“Confidential Information”):

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<sup>1</sup> CEII is “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person in planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the Freedom of Information Act; and (iv) does not simply give the general location of the critical infrastructure.”

1. All Confidential Information provided by the Company, whether in documentary form or otherwise, shall be identified essentially as follows: “Petition No. \_\_\_\_\_ Confidential Information,” and will be governed by the terms of this Protective Order (“Order”). The Order is applicable to all such Confidential Information, whether in the form of documents, data, testimony, studies, or otherwise.

2. All Confidential Information made available pursuant to this Order shall be given to Chairman, Council, and staff of Council upon execution of the Acknowledgement referenced below. Consultants retained by Council shall also be provided with the Confidential Information upon their becoming signatories to the Order and executing the Nondisclosure Agreement, attached hereto as Exhibit 1 (“Signatories”). Upon a showing of good cause, Council may place additional restrictions upon the access to Confidential Information given to certain parties and intervenors.

Chairman, Council, and staff of Council are bound by the terms of the Order. Signatories to this Protective Order agree to be bound by its terms and shall not use the Confidential Information except for purposes of this proceeding. All parties and intervenors, including consultants, in receipt of the Confidential Information under the Order, shall maintain a written log of all individuals granted access to said Confidential Information. All persons granted access to the Confidential Information shall neither use nor disclose the Confidential Information for purposes of business or competition, or for any other purpose, other than for purposes 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.

3. Confidential Information will be marked as such and delivered in sealed envelopes to Melanie Bachman, Acting Executive Director of the Connecticut Siting Council. 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 Petition No. \_\_\_\_\_”

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

5. 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 Chairman, Council, and staff of Council and to Signatories; or

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

6. If the Confidential Information is used in any manner in any proceeding or during the course of a public hearing before the Council (“Hearing”), the Hearing shall not be held before, nor any record of it made available to, any party, intervenor, or other person or entity not a Signatory, other than the appropriate Council staff. Presence at the Hearing shall be limited to the Chairman, Council, and appropriate staff of Council, representatives of the Company, and Signatories to this Protective Order. No record shall be disclosed, nor any communication made, of use of the Confidential Information in the Hearing to any person or entity not a Signatory, other than the appropriate Council staff. Any transcript or other recording of the Hearing which relates to the Confidential Information shall be placed in sealed envelopes or containers and a statement essentially in the following form placed prominently on such envelope or container:

“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 Petition No. \_\_\_\_\_.”

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) business days prior written notice. No information protected by the Order shall be made public until the 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 Company no later than thirty (30) days after the expiration of all appeal periods applicable to the final decision rendered in this proceeding.

CONNECTICUT SITING COUNCIL

Dated: \_\_\_\_\_, 2015

By \_\_\_\_\_  
Chairman

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

The undersigned hereby acknowledges review of the Protective Order filed, \_\_\_\_\_ in Petition No. \_\_\_\_\_ in connection with The United Illuminating Company's Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is required for modifications to the 115-kV transmission lines structures in Milford, Connecticut and hereby agrees to abide by the terms thereof, in exchange for receipt of the Confidential Information from The United Illuminating Company.

Recipient: \_\_\_\_\_

Date: \_\_\_\_\_