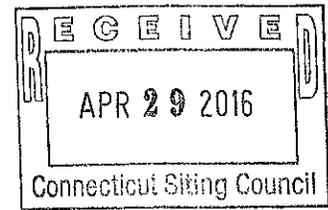


STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL



PSEG Power Connecticut LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a new 485 megawatt (MW) dual fuel combined-cycle electric generating facility at the existing Bridgeport Harbor Station located at 1 Atlantic Street, Bridgeport, Connecticut

PETITION NO. 1218

April 28, 2016

**PROTECTIVE ORDER RE:
PROPRIETARY INFORMATION**

On April 28, 2016, PSEG Power Connecticut LLC (“PSEG” or the “Applicant”) filed in the above-captioned proceeding certain competitive market information related to ISO-NE dispatching of the proposed 485 megawatt (MW) dual fuel combined-cycle electric generating facility at the existing Bridgeport Harbor Station located at 1 Atlantic Street, Bridgeport, Connecticut (the “Facility”).

PSEG asserts that the market information is proprietary information (“PI”), and has requested that a protective scheme be implemented for this data, and for such other PI as PSEG may be required to file in this petition proceeding. The Council has defined PI as “any information that may be exempt from public disclosure under the Freedom of Information Act (“FOIA”), C.G.S. §1-210(b).”

PSEG maintains that protecting such proprietary information from disclosure is consistent with the policies of the Federal Energy Regulatory Commission (“FERC”) and ISO-NE; that its release would be damaging to PSEG’s interests and the public interest; and that such information is exempt from disclosure under the state Freedom of Information Act pursuant to section 1-210(b)(5)(A) and (B) of the General Statutes.

Accordingly, it is

ORDERED

1. Until this Order is modified, access to the PI shall be limited as described in Paragraph 4 below.
2. That the PI and such information designated as PI as PSEG shall hereafter file in this petition proceeding shall, unless removed from the coverage of this Order as provided in Paragraph 3 below, be and remain confidential. PI 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 PI is accorded pursuant to Paragraph 4 of this Order shall

disclose or reveal, directly or indirectly, the content of the PI to others, except as provided in Paragraph 4.

3. That the parties and intervenors to whom PI 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 PI filed in this proceeding shall be limited to: (i) the Council and its staff; (ii) parties and intervenors in this proceeding, and their counsel, who have agreed to be bound by this protective order; (iii) a consultant engaged for the purpose of this proceeding for one of the foregoing persons or entities; and (iv) 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 PI shall agree to use the PI solely for the purposes of this proceeding and not disclose the information to any other person. Each person within an entity or organization must complete a PI Request Form and Non-Disclosure Agreement, similar to the forms attached.

5. That no copies of PI furnished by PSEG shall be circulated to persons other than those persons who are authorized under Paragraph 4 of this Order to obtain PI. 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 PI. Although a person authorized to obtain PI may use the information as foundation for advice to his or her employer or clients, s/he may only discuss the PI with or disclose PI to another person authorized to receive identical PI.
6. All materials claimed by PSEG to be PI under the terms of this Order shall be clearly marked "Proprietary Information" by PSEG, and shall bear an appropriate legend identifying them as such. When PI is intermixed with other materials, it must be securely redacted, and the redaction must be accompanied by a notation: "Confidential PI." 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 PI*" 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 PSEG 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 PI submitted in accordance with Paragraph 1 of this Order if the Council rules, after reasonable notice and hearing, that the PI 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 PI 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 PI in pleadings, briefs, other legal documents, or arguments, that portion of the documents or that portion of the transcript of the argument containing PI shall be maintained under seal.
9. That the Council may draw upon all PI 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 PI.
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 PI 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,
12. 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.

That copies of PI and documents, notes and other materials containing or reflecting, directly or indirectly, the PI 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 PI shall be subject to this Protective Order or to a protective order issued in another proceeding in which the PI is used. If such a member, counsel or employee of the Commission does not retain the PI, that person shall destroy it as provided in this paragraph. When the Council determines that any PI is no longer required for its work, it shall destroy the material. All parties and intervenors to whom PI 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 PI. 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 Robert Stein
Robert Stein
Chairman

Dated: May 5, 2016