

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Vermont Transco LLC and Vermont)
Electric Power Company, Inc. (collectively,)
“VELCO”), for a certificate of public good,) Case No. 19-____-PET
pursuant to 30 V.S.A. § 248, authorizing the)
construction of the New Haven Operations)
Facility in New Haven, Vermont)

MOTION FOR CONFIDENTIAL TREATMENT OF PREFILED EVIDENCE

Vermont Transco LLC and Vermont Electric Power Company, Inc. (collectively “VELCO” or “Petitioner) request that the Public Utility Commission (“PUC”), pursuant to PUC Rule 2.206 and 30 V.S.A. § 9, issue a protective order in this proceeding that grants confidential treatment to certain unredacted exhibits supporting VELCO’s petition for a certificate of public good for the New Haven Operations Facility (the “Project”), submitted contemporaneously herewith. The unredacted exhibits are being filed under seal with a hard copy of this Motion. This Motion, along with supporting Averments (**Attachments A and B**) and a proposed order (**Attachment C**), have been filed electronically using ePUC.

I. Introduction

On November 15, 2019, VELCO filed a petition and supporting prefiled testimony and exhibits seeking a certificate of public good under 30 V.S.A. § 248. Certain exhibits supporting the petition contain confidential security information and information regarding the location of certain designated archaeological sites (“Protected Location Information”). In particular, VELCO seeks confidential treatment of the following documents:

- CONFIDENTIAL Exh. Pet. PWL-14 (Security Affidavit);
- CONFIDENTIAL Exh. Pet. PWL-15 (Interior Floor Plan);
- CONFIDENTIAL Exh. Pet. PWL-16 (Business Continuity Plan);
- CONFIDENTIAL Exh. Pet. PWL-17 (Emergency Response Plan); and

- CONFIDENTIAL Exh. Pet. JTR-3 (Unredacted Historic Sites Report).

II. Standard

In determining whether to grant confidential treatment, the PUC considers four issues:

- (1) Is the matter sought to be protected a trade secret or other confidential research, development, or commercial information which should be protected?
- (2) Does the matter sought to be protected contain critical energy infrastructure information (CEII)?
- (3) Would disclosure of such information cause a cognizable harm sufficient to warrant a protective order?
- (4) Has the party seeking protection shown “good cause” for invoking the Commission's protection?¹

In addition, Vermont law requires that archaeological sites considered Protected Location Information be subject to protection, and accordingly are treated as confidential information.²

III. Information Sought to be Protected

The information contained in CONFIDENTIAL Exhs. Pet. PWL-14, PWL15, PWL-16, and PWL-17 describes the confidential security features incorporated into the Project design and includes detailed plans for how VELCO would respond to emergency events and other disruptions to business operations at its Pinnacle Ridge Campus. In particular, VELCO’s security affidavit (PWL-14) describes the security features incorporated into the Project design, including reference to confidential aspects of the interior floor plan (PWL-15). VELCO’s Business Continuity Plan (PWL-16) is intended to support business processes following a disruption that risks personnel health or safety or other events that prevent normal business processes. VELCO’s Emergency Response Plan (PWL-17) describes the actions VELCO will take to respond and recover from events that jeopardize VELCO’s bulk electric transmission or

¹ *Investigation into General Order No. 45 Notice filed by Vt. Yankee Nuclear Power Corp.*, Docket No. 6545, Order of 11/9/01 at 5-6.

² 22 V.S.A. § 761(b).

communication systems at the Pinnacle Ridge Campus. Disclosure of these plans could give a misfeasor sensitive information that could cause harm to personnel and/or disrupt management of the Vermont electric transmission system. The information is only known to select VELCO employees and personnel, and is not generally circulated outside the organization. VELCO thus considers these exhibits highly confidential, and therefore is unable to provide redacted versions for public inspection.

VELCO also requests confidential treatment of information pertaining to the location of archaeological sites contained in the Phase IB Archaeological Survey included in CONFIDENTIAL Exh. Pet. JTR-3. VELCO only seeks confidential treatment for those portions of CONFIDENTIAL Exh. Pet. JTR-3 that contain Protected Location Information. The redacted version showing non-archeologically-sensitive sites is enclosed as Exhibit Petitioner JTR-3 with Mr. Reed's prefiled testimony.

IV. Disclosure Would Cause Cognizable Harm

Disclosure of the security, business continuity, and emergency response information contained in CONFIDENTIAL Exhs. Pet. PWL-14, PWL15, PWL-16, and PWL-17 would compromise VELCO's security against sabotage or criminal or terrorist acts. Confidential treatment of this information is therefore necessary to safeguard VELCO's bulk transmission facilities and the people and businesses in Vermont that rely on these critical facilities.

In addition, disclosing the confidential material contained in CONFIDENTIAL Exh. Pet. JTR-3 would expose sensitive and significant archaeological sites to potential harm by informing third parties of the specific locations of these protected sites.

V. Good Cause for Invoking the PUC's Protection

For the reasons stated above, there is good cause for the Commission to issue a Protective Order treating the information set forth in VELCO's Averments (**Attachments 1 & 2**) as confidential in the manner set forth in the Proposed Order (**Attachment 3**).

To the extent that any party disputes the designation of the material as confidential, and where VELCO and that party are unable to resolve the dispute, VELCO seeks an opportunity to present additional information for the PUC's consideration specific to the disputed information in connection with this Motion.

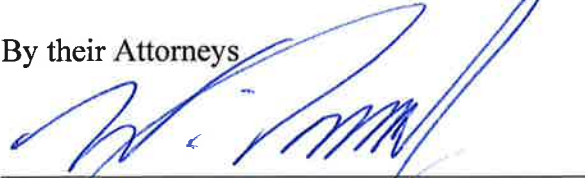
VI. Conclusion

VELCO respectfully requests that the PUC issue a Protective Order in the form provided as **Attachment 3**. VELCO maintains that such treatment will facilitate the purposes of this proceeding without harming the public interest.

DATED at Burlington, VT this 15th day of November, 2019.

**VERMONT TRANSCO LLC AND VERMONT
ELECTRIC POWER COMPANY, INC.**

By their Attorneys



William J. Dodge, Esq.
Joshua D. Leckey, Esq.
Downs Rachlin Martin PLLC
199 Main Street
Burlington, Vermont 05401
(802) 863-2375
wdodge@drm.com
jleckey@drm.com