

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7250

Amended Petition of Deerfield Wind, LLC, for a)
certificate of public good authorizing it to construct and)
operate a 17-turbine, 34-35.7 MW wind generation)
facility, and associated transmission and interconnection)
facilities, on approximately 80 acres in the Green)
Mountain National Forest, located in Searsburg and)
Readsboro, Vermont, with 7 turbines to be placed on the)
east side of Route 8 on the same ridgeline as the existing)
GMP Searsburg wind facility (Eastern Project Area), and)
10 turbines along the ridgeline to the west of Route 8 in)
the northwesterly orientation (Western Project Area))

Order entered: 9/22/2008

PROTECTIVE ORDER

I. INTRODUCTION

On June 24, 2008, Deerfield Wind, LLC ("Deerfield Wind") filed a motion for a protective order concerning testimony and exhibits filed by Save Vermont Ridgelines, Inc. ("SVR"). In particular, Deerfield Wind seeks protection for portions of the testimony of SVR witnesses Thomas Hewson (pages 3, 4, 8-9, 11, 14, 15-16, and 20-22) and Robert Michaels (pages 15-16) as well as exhibits TAH-2, TAH-3, TAH-6, and TAH-7. No party opposes Deerfield Wind's motion and we grant it.

II. DISCUSSION

After reviewing Deerfield Wind's motion and supporting materials, we conclude that Deerfield Wind has made a *prima facie* showing that confidential treatment is warranted for the specified portions of the testimony of Mr. Hewson and Mr. Michaels and for exhibits TAH-2, TAH-3, TAH-6, and TAH-7. As a result, we hereby grant Deerfield Wind's motion for a protective order for the testimony and those exhibits only. The documents and information to which the motion refers shall be filed under seal and treated as confidential subject to the terms set forth below.

III. ORDER

WHEREFORE, IT IS HEREBY ORDERED that the confidential portions of the testimony of Thomas Hewson (pages 3, 4, 8–9, 11, 14, 15–16, and 20–22) and Robert Michaels (pages 15–16) as well as exhibits TAH-2, TAH-3, TAH-6, and TAH-7 shall be treated in this proceeding as follows:

1. All testimony, transcripts, exhibits, and other documents that are subject to this Order as confidential information, and any documents that discuss or reveal documents that constitute confidential material, shall be placed in a sealed record by filing such information in sealed envelopes or other appropriate sealed containers on which shall be endorsed the caption and docket number of the proceeding, the nature of the content (*e.g.*, exhibit, report, etc.), and a statement that it shall not be opened or released from the custody of the Clerk of the Board except by Order of the Board. Notwithstanding such a statement, the members of the Board, any employee or consultant specifically authorized by the Board to assist the Board in this proceeding, and any Hearing Officer appointed to this Docket may have access to such sealed confidential information, but shall not disclose such information to any person.

2. At hearing or conference in this proceeding, no persons, other than those who have signed or agreed to be bound by this Order and the Protective Agreement approved in the Order of February 6, 2008, and those whom the Board has expressly authorized to have access to this confidential information, shall be permitted to give, hear or review testimony given or held with respect to this confidential information.

3. Each Board stenographer or reporter in this proceeding shall acknowledge and be bound by this Order. Each such Board stenographer or reporter shall be instructed to and shall start a separate transcription for testimony or discussion on the record of confidential information. Such transcription shall be marked "Confidential" and shall be sealed and filed with the Clerk of the Board, and copies of the same shall be made available only to those persons authorized to view such information. Such transcription shall, in all other respects, be treated as confidential information pursuant to this Order.

4. The Board retains jurisdiction to make such amendment, modifications and additions to this Order as it may, from time to time, deem appropriate, including any such amendments, modifications or additions resulting from a motion made pursuant to the Protective Agreement. Any party or other person may apply to the Board for an amendment, modification or addition of this Order.

Dated at Montpelier, Vermont, this 22nd day of September, 2008.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: September 22, 2008

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)