

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7628

Joint Petition of Green Mountain Power)
Corporation, Vermont Electric Cooperative, Inc.,)
and Vermont Electric Power Company, Inc. for a)
certificate of public good, pursuant to 30 V.S.A.)
Section 248, to construct up to a 63 MW wind)
electric generation facility and associated facilities)
on Lowell Mountain in Lowell, Vermont, and the)
installation or upgrade of approximately 16.9)
miles of transmission line and associated)
substations in Lowell, Westfield and Jay, Vermont)

Order entered: 10/15/2010

PROTECTIVE ORDER REGARDING PROVISION OF CERTAIN INFORMATION TO
LOWELL MOUNTAINS GROUP, INC.

I. INTRODUCTION

On September 13, 2010, Green Mountain Power Corporation ("GMP") filed a Motion for Protective Order ("Motion") with the Public Service Board ("Board"). The Motion requested that the Board approve GMP's request to withhold from the Lowell Mountains Group, Inc. ("LMG") certain information that GMP has identified as allegedly confidential under the Protective Agreement that the Board approved on July 8, 2010.

On September 15, 2010, the Clerk of the Board issued a memorandum stating that any comments on GMP's Motion must be filed by September 22, 2010.

No party filed comments on GMP's Motion.

II. DISCUSSION

The information GMP seeks to withhold from LMG includes certain prefiled testimony and related exhibits of GMP witness Douglas Smith and certain responses to the Department of Public Service's ("Department") discovery requests ("Motion-related information"). Specifically,

GMP states that the prefiled testimony, exhibits and discovery responses contain information that is competitively sensitive and should therefore be maintained as confidential. GMP submitted three averments to support its request. GMP contends that, although LMG has properly executed the appropriate schedules to the Protective Agreement, the Motion-related information is beyond the scope of LMG's intervention, and that LMG has not demonstrated that it possesses the necessary expertise to evaluate the Motion-related information. Therefore, GMP contends that the Motion-related information should be withheld from LMG.

In its Motion GMP argues that it has met the standard for issuance of a protective order pursuant to Board Rule 2.214 and the relevant Vermont Rules of Civil Procedure, and that it has satisfied the Board's three-part test for determining whether commercially sensitive information should be covered by a protective order.¹

We have reviewed the Motion and supporting materials, including averments, and we conclude that GMP has made a *prima facie* showing that the Motion-related information should be withheld from LMG.²

Because neither LMG, nor any other party, has contested GMP's Motion, we grant GMP's Motion and direct that GMP may withhold the Motion-related information from LMG.

So ORDERED.

1. See *Investigation into General Order No. 45*, Docket 6545, Order of 12/18/01 at 2.

2. The Motion-related information is itemized in an attachment to this Order.

DATED at Montpelier, Vermont, this 15th day of October, 2010.

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

OFFICE OF THE CLERK

Filed: October 15, 2010

Attest: s/ Judith C. Whitney
Deputy 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)

Witness	Page, Line No. or Exhibit No.	Subject/Description	Averment
Douglas Smith	Portions of Pre-Filed Testimony		No. 1
Douglas Smith	Exh. Pet.-DCS-5-CONFIDENTIAL	Market Price Outlook (2010\$\$)	No. 1
Douglas Smith	Exh. Pet.-DCS-6-CONFIDENTIAL	Market Price Outlook (nominal \$\$)	No. 1
Douglas Smith	Exh. Pet.-DCS-7-CONFIDENTIAL	Recent Market Price Forecasts	No. 1
Douglas Smith	Exh. Pet.-DCS-8-CONFIDENTIAL	Capacity Price Forecast	No. 1
Douglas Smith	Exh. Pet.-DCS-9-CONFIDENTIAL	Summary of Recent Renewables Proposals	No. 1
Douglas Smith	Exh. Pet.-DCS-10-CONFIDENTIAL	KCW Cost v. GMP Market Outlook	No. 1
Discovery Response	CONFIDENTIAL Attachment DPS 1-16		
Discovery Response	DPS 1-10		
Discovery Response	DPS 1-15		
Discovery Response	DPS 1-16		
Discovery Response	DPS (RTP) 1-1		
Discovery Response	DPS (RTP) 1-8		
Discovery Response	DPS (RTP) 1-9		