

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Case No. 22A-4238

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Vermont Gas Systems, Inc. Rutland Regional Medical Center Geothermal Project	
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**MOTION FOR CONFIDENTIAL TREATMENT  
OF GEOTHERMAL ENERGY SERVICES PRICING INFORMATION AND RELATED  
FINANCIAL MODELLING**

Vermont Gas Systems, Inc. (“VGS”) hereby moves the Vermont Public Utility Commission (“Commission”) for confidential treatment of portions of (1) VGS’s Geothermal Energy Services Agreement with Rutland Regional Medical Center (“RRMC”)(**Confidential Attachment 1**), and (2) VGS’s related financial modelling (**Confidential Attachment 2**), which are being filed concurrently with this Motion in connection with VGS’s October 26, 2022 Response to the Public Utility Commission’s Request for Information in the above-captioned matter. In support of this Motion, VGS relies on the following incorporated Memorandum of Law, as well as the attached Averment (**Attachment A**).

**MEMORANDUM OF LAW**

**I. Introduction**

In this Motion, VGS seeks confidential treatment of nonpublic, confidential pricing information contained in the above-referenced contract and related financial modelling (**Confidential Attachments 1 and 2**). The confidential information consists of provisions related to the contract price RRMC and VGS have agreed to in connection with VGS’s Geothermal Project and related financial modeling and assumptions related thereto, including competitively sensitive pricing information of its contractors.

## **II. Standard for Confidential Treatment**

In determining whether to grant confidential treatment, the Commission considers the following:

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

*Petition of Green Mountain Power Corporation requesting a certificate of public good, pursuant to 30 V.S.A. Section 248, for the purchase of electricity from NextEra Energy Seabrook, LLC from 2012 through 2034, Docket No. 7742 (Vt. Pub. Serv. Bd., Sept. 8, 2011); Investigation into Treatment of Allegedly Confidential Information Submitted by Nine Vermont Independent Telephone Companies, Docket No. 6904 (Vt. Pub. Serv. Bd., Nov. 14, 2003); see also Joint Petition of VELCO, Transco, and VEC, Docket No. 7708 (Vt. Pub. Serv. Bd. June 27, 2011).*

## **III. Description of the Information Sought to be Protected**

VGS seeks confidential treatment of nonpublic, confidential, and competitively sensitive pricing information.

## **IV. The Need for Confidential Treatment**

The portions of the above-referenced Attachments for which VGS seeks confidential treatment contain competitively sensitive pricing information relating to VGS’s provision of geothermal energy resources. This information should be granted confidential treatment because public disclosure of the information would cause cognizable harm to VGS through disadvantaging VGS in future geothermal or other innovative supply negotiations. The public disclosure of competitively sensitive information could also result in competitive harm to others

involved in VGS's innovation projects and impact vendors' willingness to contract with VGS in the future.

Further detail regarding the need for confidentiality is provided in the Averment attached to this Motion (Attachment A).

**V. Good Cause Exists for Invoking the Commission's Protection**

For the above-stated reasons and those set forth in further detail in the attached Averment, there is good cause for the Commission to grant this Motion for Confidential Treatment in this case.

The Commission has previously granted confidential treatment of competitive pricing information relating to alternative supply resources such as Renewable Natural Gas. *See* Petition of Vermont Gas Systems, Case No. 18-2154-PET (Vt. Pub. Util. Comm'n Jul. 24, 2018). The Commission has also previously granted confidential treatment of information that is competitively sensitive. *See, e.g., In re Renewal of the Certificate of Public Good of Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC, d/b/a Comcast*, Docket No. 8301 (Vt. Pub. Serv. Bd. Aug. 4, 2016); *Petition of Green Mountain Power Corporation requesting a certificate of public good, pursuant to 30 V.S.A. Section 248, for the purchase of electricity from NextEra Energy Seabrook, LLC from 2012 through 2034*, Docket No. 7742 (Vt. Pub. Serv. Bd., Sept. 8, 2011); *Petition of twenty Vermont utilities and Vermont Public Power Supply Authority requesting authorization, pursuant to 30 V.S.A. Section 248, for the purchase of shares of 218 MW to 225 MW of electricity of H.Q. Energy Services (U.S.) Inc., etc.*, Docket No. 7670 (Vt. Pub. Serv. Bd., Dec. 14, 2010); *Petition of Green Mountain Power Corporation for authority to purchase energy from*

*a proposed Granite Reliable Power Windpark in Coos County, New Hampshire*, Docket No. 7590 (Vt. Pub. Serv. Bd., Feb. 23, 2010).

To the extent that any party disputes the confidential designation of the redacted portions of the enclosed Attachments and the party and VGS are unable to resolve the dispute, VGS seeks an opportunity to present additional information for the Commission's consideration specific to the disputed redacted portions in connection with this Motion.

**VI. Conclusion**

For the above-stated reasons, VGS respectfully requests that the Commission issue a Protective Order substantially in the form provided as **Attachment B**.

DATED at Burlington, VERMONT, this 26<sup>th</sup> day of October 2022.

VERMONT GAS SYSTEMS, INC.

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