

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Vermont Transco LLC and Vermont Electric Power Company, Inc., pursuant to 30 V.S.A. § 248(j), to amend the certificate of public good issued in Docket No. 4905, as amended in Docket No. 4905-A

Case No. 25-____-PET

PROTECTIVE ORDER FOR CONFIDENTIAL TREATMENT OF EVIDENCE

I. INTRODUCTION

On October 21, 2025, Vermont Transco LLC and Vermont Electric Power Company, Inc. (collectively, “Petitioner” or “VELCO”) filed a motion with the Vermont Public Utility Commission (“Commission”) requesting confidential treatment of information about VELCO’s performance review of the Highgate Converter, offered as exhibit PET-JP-4 (Conf.). VELCO represents that this review contains Critical Energy Infrastructure Information (“CEII”).¹ VELCO submitted an averment to support its request for confidential treatment of exhibit PET-JP-4 (Conf.). No party opposed the motion.

I have reviewed the motion and supporting materials and conclude that VELCO has made a *prima facie* showing that confidential treatment is warranted for the information at issue. Therefore, I hereby grant VELCO’s motion for a protective order.

II. DISCUSSION

To promote full public understanding of the basis for its decisions, this Commission has actively taken steps to limit the amount of information subject to protective orders. The Commission has encouraged parties to remove material from that protection to the extent possible. The Commission requires petitioners seeking a protective order to submit a document-specific (or information-specific) averment of the basis for keeping confidential any document (or information) that they wish to be kept under seal. This arrangement appropriately places a heavy burden on the party seeking confidentiality to justify that decision. It also ensures that

¹ See Critical Energy/Electric Infrastructure Information (CEII) Regulations at <https://www.ferc.gov/enforcement-legal/legal/major-orders-regulations/critical-energyelectric-infrastructure-information>.

counsel for the party seeking confidentiality has actually reviewed and considered the relevant confidentiality factors, as they relate to the specific document or information at issue.²

Generally, the Commission resolves disputes about information only when there is a disagreement about its confidential nature.³ However, even when the motion is uncontested, the Commission will review the motion and supporting averment or averments to ensure that the moving party has presented a *prima facie* case for keeping the document or information under seal. In determining whether to protect confidential information, the Commission considers five 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 CEII?
- (3) Does the matter sought to be protected contain information related to a utility's cybersecurity program?
- (4) Would disclosure of the information cause a cognizable harm sufficient to warrant confidential treatment?
- (5) Has the party seeking protection shown "good cause" for invoking the Commission's protection?⁴

VELCO maintains Exhibit PET-JP-4 (Conf.) contains CEII. Therefore, VELCO is required to take appropriate measures to prevent disclosure.

I have reviewed the motion and supporting materials, and I have applied the existing standard. I conclude that VELCO has made a *prima facie* showing that the exhibit is CEII, that that disclosure would cause a cognizable harm sufficient to warrant a protective order, and that there is good cause for protecting the information. Therefore, I grant VELCO's motion for a protective order.

² *Investigation into General Order No. 45 Notice filed by Vt. Yankee Nuclear Power Corp. re: proposed sale of Vt. Yankee Nuclear Power Station to Entergy Nuclear Vt. Yankee, LLC*, Docket No. 6545, ("Entergy Docket"), Order of 11/9/01 at 5-6.

³ *Id.* at 6.

⁴ Rule PUC 2.226(C)(4)(a)-(e).

III. ORDER

IT IS HEREBY ORDERED that the confidential information provided by VELCO (as described in VELCO's motion and supporting averment) will be treated in this proceeding as follows:

1. All testimony, affidavits, transcripts, exhibits, and other documents that are subject to this Order as confidential information, and any testimony or documents that discuss or reveal documents that constitute confidential material, must be filed following the process for filing information that a party asserts to be confidential that is set forth in Commission Rule 2.226(B). This process requires, among other things, that any confidential information must be filed by email with the Clerk of the Commission or filed in paper and must have the word "Confidential" as the first word of the subject line.⁵ Any documents containing Allegedly Confidential Information that are filed in paper with the Commission must be placed in sealed envelopes or other appropriate sealed containers on which must be endorsed the caption and case number of the proceeding, the nature of the content (e.g., exhibit, report, etc.), and a statement that it must not be opened or released from the custody of the Clerk of the Commission except by order of the Commission. Despite such a statement, the members of the Commission, any employee or consultant specifically authorized by the Commission to assist the Commission in this proceeding, and any Hearing Officer appointed in this case may have access to such sealed confidential information, but must not disclose such information to any person..

2. At any hearing or conference in this proceeding, no persons, other than those who have signed or agreed to be bound by this Order and any Protective Agreement approved in this case, and those whom the Commission 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 Commission stenographer or reporter in this proceeding shall acknowledge and be bound by this Order. Each such Commission 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 Commission, and copies of the same shall be made available only

⁵ See Commission Rule 2.226(B) for the complete list of filing requirements.

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 Commission 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 any Protective Agreement approved in this case.

5. In any future proceeding, the burden of establishing that the confidential treatment of this information is warranted is on the party seeking to avoid disclosure.

6. Any party or other person may apply to the Commission for an amendment, modification, or addition to this Order.

7. There is no time limit to the protection granted by this Order to exhibit PET-JS-4 (Conf.).

SO ORDERED.

Dated at Montpelier, Vermont this _____ day of _____, 2025.

Hearing Officer

OFFICE OF THE CLERK

Filed:

Attest: _____
Deputy Clerk of the Commission

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to note the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov).