

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

DG 22-073

MOTION FOR CONFIDENTIAL TREATMENT AND PROTECTIVE ORDER

I. INTRODUCTION

On October 31, 2022, Until Energy Systems, Inc. (“UES” or the “Company”) filed a petition requesting that the New Hampshire Public Utilities Commission (the “Commission”) find the Company’s proposed photovoltaic generating facility (the “Kingston Solar Project”) is in the public interest pursuant to New Hampshire Revised Statutes Annotated (“RSA”) 374-G. RSA 374-G requires project proponents to provide an analysis of the costs and benefits (“Benefit-Cost Analysis”) of their proposal. Accordingly, the Company prepared a Benefit-Cost Analysis (and accompanying testimony), which chiefly relied upon cost estimates, billing rates, and pricing information provided by third party vendors in response to a preliminary Request for Proposals (“RFP”) for an Engineering, Procurement, and Construction (“EPC”) contractor (the “Preliminary EPC RFP”).

After the initial filing, Until moved to Stage 2 of its procurement process and issued a Final EPC RFP on November 30, 2022. The Company received responses to the Final EPC RFP on January 20, 2023 and selected ReVision Energy (“ReVision”) as the Kingston Solar Project’s EPC contractor, subject to negotiating and executing a final contract. The Company revised its Benefit-Cost Analysis with updated cost, pricing, and performance estimates from ReVision’s response to the Final EPC RFP and prepared supplemental testimony to explain the updates to the Benefit-Cost Analysis. The Company filed the supplemental testimony and supporting exhibits on February 21, 2023.

On February 10, 2023 and February 27, 2023, the Company responded to two sets of discovery from the New Hampshire Department of Energy, and the information in the Company's responses is based largely on data, assumptions, and inputs provided by third-parties through the RFP process. Certain information contained in those discovery responses and the attachments to those discovery responses is confidential, sensitive, and/or proprietary, as summarized in Attachment 1 to this motion (the "Confidential Responses"). UES respectfully requests that the Commission grant the Confidential Responses protection from public disclosure pursuant to Puc 203.08 and RSA 91-A:5.

II. LEGAL STANDARD

Puc 203.08(a) states that the Commission shall, upon motion, "issue a protective order providing for the confidential treatment of one or more documents upon a finding that the document or documents are entitled to such treatment pursuant to RSA 91-A:5, or other applicable law." In determining whether confidential, commercial, or financial information within the meaning of RSA 91-A:5, IV is exempt from public disclosure, the Commission applies a three-step balancing test to determine whether a document, or the information contained within it, falls within the scope of RSA 91-A:5, IV. *Northern Utilities, Inc.*, DG 17-070, Order No. 26,129 (May 2, 2018) at 15 (*citing Liberty Utilities (EnergyNorth) Natural Gas Corp.*, Order No. 26,109 (March 5, 2018) at 23). First, the Commission determines whether the information in question involves a privacy interest. *Id.* Second, the Commission determines whether there is a public interest in disclosure. *Id.* Third, the Commission balances those competing interests and decides whether disclosure is appropriate. *Id.* When the information involves a privacy interest, disclosure should inform the public of the conduct and activities of its government, but if the information does not serve that purpose, disclosure is not warranted. *Id.*

III. DISCUSSION

RSA 91-A:5(IV) expressly exempts from the public disclosure requirements any records pertaining to “confidential, commercial or financial information.” RSA 91-A:5, IV; *Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540 (1997). Application of this exemption requires “analysis of both whether the information sought is confidential, commercial, or financial information, and whether disclosure would constitute an invasion of privacy.” *Unitil Corp. and Northern Utilities, Inc.*, DG 08-048, Order No. 25,014 (Sept. 22, 2009) at 2. The Commission’s rule on confidential treatment of public records, Puc 203.08, also recognizes that confidential commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission. The determination of whether to disclose confidential information involves a balancing of the public’s interest in full disclosure with the countervailing commercial or private interests for non-disclosure.

For the reasons set forth below, public disclosure would invade the privacy interests at stake in each of the Confidential Responses, and the privacy interests substantially outweigh any public interest in disclosure.

a. Commercially Sensitive and Confidential Cost Estimates, Pricing Information, and Proposed Contract Terms

DOE 1-1 Attachment 1, DOE 1-3 Attachment 1, DOE 1-3 Attachment 2, DOE 1-3 Attachment 3, DOE 1-3 Attachment 5, DOE 1-6 Attachment 2, DOE 1-7 Attachment 1, DOE 2-3 Attachment 1(a), DOE 2-3 Attachment 1(b), DOE 2-3 Attachment 2(r), DOE 2-3 Attachment 4, DOE 2-3 Attachment 5, and DOE 2-4 Attachment 1 contain commercially sensitive and confidential cost estimates, pricing information, and proposed contract terms (the “Confidential Pricing Responses”).

The information at issue in the Confidential Pricing Responses constitutes confidential

and sensitive commercial information under RSA 91-A:5, IV, and the Company, its customers and the third-party vendors that provided this information have a privacy interest in protecting it. The Company acknowledges that the public may have some interest in the costs, pricing, and proposed contract terms in the Confidential Attachments, but that interest is greatly outweighed by the privacy interest.

The privacy interest in the cost estimates, pricing information (and information that can be used to derive this information), and proposed contract terms provided by third-party vendors is significant because disclosure would put them at a competitive disadvantage by revealing the commercial rates they charge for materials and services on a competitive basis and the contract terms they offer for those materials and services. It also would adversely affect the Company and its customers because third-party vendors would be discouraged from responding to the Company's RFPs and negotiating with the Company if doing so would result in the release of commercially sensitive and confidential business information. This could have the effect of increasing costs to the Company, and ultimately to customers, if the Company cannot procure or negotiate for cost-effective products and services because it cannot assure confidential, protective treatment of confidential pricing information. *See Granite State Electric Company*, DE 12-023 (Mar. 27, 2021) at 9 (finding that disclosing bidder price information would likely impede the utility company's ability to engage suppliers in competitive bidding in the future, which would, in turn, make it more difficult to obtain its supply needs at competitive prices and might thereby increase rates to customers). Simply put, pricing information and contract terms must remain confidential to preserve the Company's ability to cost-effectively procure products and services for the benefit of customers.

The Company is providing redacted versions of the Confidential Pricing Responses

(except for DOE 1-6 Attachment 2 and DOE 2-3 Attachment 1(a))¹ for the public record. Therefore, although the Company is requesting protective treatment for the cost estimates, pricing information, and contract terms for certain components of the Kingston Solar Project, the public will still have access to information about estimated costs, benefits, and bill impacts. *See EnergyNorth Natural Gas, Inc.*, Order No. 25,064 at (Jan. 15, 2010) at 12 (“[P]ublically available versions of all the documents contain a good deal of information concerning the costs of the underlying engagements”).

The Commission has historically treated pricing information and contract terms from vendors and potential vendors as confidential. *See e.g., Northern Utilities, Inc.*, Order No. 26,710 (Oct. 24, 2022) at 5 (finding a privacy interest in the details of the costs, pricing, and negotiated terms of the contract at issue); *EnergyNorth Natural Gas, Inc.*, Order No. 25,064 (Jan. 15, 2010) at 12 (finding that disclosure of billing rate information may place the Company and its service providers at a disadvantage with respect to those with whom it would do business, ultimately causing harm to the Company’s ratepayers in future rate cases); *Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 26,166 (Aug. 1, 2018) at 6 (finding the terms of a gas supply agreement constitute sensitive commercial information that warrant confidential treatment); *Abenaki Water Co. Inc.*, Order No. 25,945 (Sept. 26, 2016) at 7 (protecting billing rates because disclosure could damage competitive positions to the detriment of ratepayers); *Electric and Gas Utilities*, Order No. 25,189 (Dec. 30, 2010) at 20 (finding “that the harm of public disclosure of the competitive energy

¹ The Company cannot provide a redacted version of DOE 1-6 Attachment 2 because its disclosure could allow other bidders to determine the identity of an unsuccessful bidder. Therefore, the Company is seeking to protect this attachment in its entirety (*see* discussion concerning the protection of the identities of unsuccessful bidders in subsection (d)). As discussed in subsection (c), the Company is requesting a waiver from the requirement to provide a redacted version of DOE 2-3 Attachment 1(a) because it seeks to protect this attachment in its entirety, and a redacted version would have little to no practical value.

efficiency labor and materials pricing and commercially sensitive contract terms outweighs the benefits of disclosure.”); *Unitil Energy Systems, Inc.*, Order No. 25,303 (April 13, 2007) at 8 (finding that disclosing information provided in response to an RFP, including pricing information, would likely hamper Unitil’s ability to engage suppliers in competitive bidding in the future, and that would, in turn, make it more difficult to meet its needs at competitive prices and might thereby increase rates to customers); *Unitil Energy Systems, Inc.*, Order No. 24,742 (April 13, 2007) at 3-5 (finding that billing rate information is properly treated as confidential.); *National Grid plc, et al.*, Order No. 24,777 (July 12, 2007) at 86 (“If public disclosure of confidential, commercial or financial information would harm the competitive position of the person from whom the information was obtained, the balance would tend to tip in favor of non-disclosure.”).

In DE 17-189, the Commission granted protective treatment for pricing information that is similar to information the Company seeks to protect in this proceeding. In DE 17-189, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (“*Liberty*”) sought protection for proposed pricing for various components of systems, software, and other services submitted by Sunrun, Inc. (“Sunrun”) as part of an informal RFP response. *Liberty*, Order No. 26,209 (Jan. 17, 2019) at 44. The Commission found that although the public may have some interest in disclosure of Sunrun’s pricing information, the public interest was outweighed by the interests of Sunrun in maintaining the confidentiality of this proprietary, commercially sensitive, and non-public information. *Id.* The same logic applies to the Confidential Pricing Responses in this case and there is no reason for the Commission to depart from its long-established precedent in this proceeding.

In summary, on balance, the substantial interest in obtaining cost-effective products and

services from third-party vendors for the benefit of customers significantly outweighs the interest in public disclosure. Accordingly, the Commission should rule in favor of this balance and grant protective treatment to the Confidential Pricing Responses.

b. Commercially Sensitive and Proprietary Production Profile Information

DOE 1-1 Attachment 1, DOE 1-12 Attachment 1, DOE 2-3 Attachment 1(b), and DOE 2-3 Attachment 2(r) contain commercially sensitive and proprietary production profile information (the “Confidential Production Responses”).

The production profile information (e.g., hourly energy produced) provided by the bidders and presented in the Confidential Production Responses is based on proprietary production models. If the Commission ordered dissemination of the data produced by the production models to the public, then it would harm the bidders’ business interests because individuals and entities who want access to this data and proprietary analysis would not need to pay for it. Consequently, disclosure would have a chilling effect on the Company’s ability to engage product and service providers because those vendors may fear the Commission will release their proprietary work product, data, methodologies, and analyses, which would undermine their businesses. This would disadvantage the Company, to the extent that product and service providers determine in the future not to bid on the Company’s RFPs because of the potential commercial disadvantages that may arise should they do so.

In the Commission’s privacy analysis, the privacy interest of the Company and the bidders are aligned with the public interest because if the proprietary data and analysis is disclosed, the Company could have difficulty procuring products and services in the future. The Company’s difficulty in procuring products and services would ultimately harm customers due to the increased costs to procure or develop products and services through other limited means.

For example, the Company may receive fewer responses from vendors willing to provide such products and services or vendors may increase the amount charged to the Company to compensate for the risk of disclosure of their proprietary work product and analysis. On the other side of the scale, the public's interest in disclosure of the proprietary data and analysis is slight because the information has no bearing on the workings of government.

The Commission has historically treated proprietary analyses and the data produced by those analyses as confidential. *See e.g., Pennichuck Water Works, Inc.*, Order No. 26,726 (Nov. 18, 2022) at 3-4 (finding that a proprietary business model and software formulae in that model constitutes confidential and sensitive commercial information); *Liberty*, Order No. 26,209 (Jan. 17, 2019) at 43-44 (protecting descriptions of how the vendor's proprietary software platform operates); *Northern Utilities, Inc.*, DG 20-078, Order No. 26,385 at 11 (July 28, 2020) (“[P]ublic release of the analyses could harm the Company's ability to obtain this type of information in the future, because it could violate the terms of its agreement with the publishers and would harm the competitive interests of the publishers of the copyrighted materials if such information were provided to the public free. Those factors make the interest in nondisclosure more substantial.”). The Commission should reach the same conclusion here, consistent with its precedent.

c. Commercially Sensitive and Proprietary Responses to RFPs

DOE 1-6 Attachment 1, DOE 2-3 Attachment 1(a), and DOE 2-3 Attachment 2(a)-(q) are the commercially sensitive and proprietary responses to the Company's RFPs submitted by unsuccessful bidders and DOE 1-5 Attachment 1 is an excerpt from one of those responses (together the “Confidential Bid Packages”). The Confidential Bid Packages have economic and commercial value because the bidders' competitors could use this information to their

benefit and the unsuccessful bidders' detriment. That economic and commercial value is critical to the short and long-term business interests of these bidders and its disclosure could do irreparable harm to their competitive business positions in the solar development market. In summary, the privacy interest in the Confidential Bid Packages is significant and these documents should be protected as confidential, in their entirety, to preserve their economic and commercial value.

The public's interest in disclosure, on the other hand, is slight because the information at issue has no bearing on the workings of government. Moreover, it would not be in the public interest to disclose information that could damage a developing, utility-scale solar market in New Hampshire.

Although there has been considerable residential solar development in New Hampshire, the development of large, utility-scale solar projects is still in a relatively nascent stage.² Therefore, the manner in which bidders structure, compile, and present their bid packages for utility-scale solar projects has considerable economic and commercial value. If the Confidential Bid Packages are not protected, competitors would be granted detailed insight into other bidders' business plans and bidding strategies, competitors would be able to model their bid packages after the Confidential Bid Packages, and/or competitors could distinguish their bid packages to gain an unfair competitive advantage. Consequently, public disclosure of the Confidential Bid Packages would cause significant commercial harm to the bidders and could potentially undermine the developing utility-scale solar market in which the state of New Hampshire has an economic development interest.

In addition, disclosure of the Confidential Bid Packages would put bidders on notice that their bids may be made public in future solicitations. Rather than risk their competitive

positions in the market, prospective bidders may determine not to bid on the Company's RFPs. That result would deprive the Company and its customers of robust, competitive procurements for products and services. The award of economic, competitively bid contracts can be assured only if potential suppliers of goods and services are confident that their proposals will remain confidential and do not become available, either directly or indirectly, to their competitors.

The Commission has previously found that information similar to the Confidential Bid Packages is competitively sensitive and confidential. *See e.g., North Atlantic Energy Corporation*, Order No. 23,986 (June 5, 2002) at 10 (“[P]ublic disclosure of bids, bid analyses, financial assessments, and data related to the auction would chill future auction transactions, thereby limiting the results that might otherwise have been achieved.”); *see also Pennichuck Water Works, Inc.*, Order No. 26,726 (Nov. 18, 2022) at 3-4 (finding that a proprietary business model and software formulae in that model constitutes confidential and sensitive commercial information); *Liberty*, Order No. 26,376 (June 30, 2020) at 14 (finding that the consultant's work product was unlikely to inform the public of the Commission's regulatory activities and should be protected); *Liberty*, Order No. 26,209 (Jan. 17, 2019) at 43-44 (protecting descriptions of how the vendor's proprietary software platform operates); *Abenaki Water Company*, Order No. 25,840 (Nov. 13, 2015) at 2-3 (finding Abenaki's consultant has a privacy interest in his spreadsheets because they are his work product and could be used by competitors to his commercial disadvantage); There is no reason for the Commission to depart from past practice in this case.

Pursuant to Puc 201.04(b), all information within a document asserted to be confidential must be redacted. However, because the Company is seeking to protect the Confidential Bid Packages in their entirety, a redacted version would have little to no practical

² *See* Exh. KES-1, at Bates pages 000006-000008.

value. Accordingly, the Company respectfully requests, pursuant to Puc 201.05, that the Commission waive the requirement to produce redacted versions of the Confidential Bid Packages.

d. Information Identifying Unsuccessful Bidders

DOE 1-2 Attachment 1, DOE 1-5, DOE 1-5 Attachment 1, DOE 1-6 Attachment 1, DOE 1-6 Attachment 2, DOE 1-7 Attachment 1, DOE 2-3 Attachment 1(a), DOE 2-3 Attachment 1(b), DOE 2-3 Attachment 2(a)-(q), and DOE 2-3 Attachment 3 contain information that could be used to identify unsuccessful bidders.

As noted above, the Company identified the winning bidder of the Final EPC RFP for the Kingston Solar Project (*i.e.*, ReVision). However, the Company has not publicly identified the unsuccessful bidders and to the best of its knowledge, the unsuccessful bidders (in the context of the Kingston Solar Project solicitation) have not otherwise been identified as such in the public domain. *See Public Service Company of New Hampshire d/b/a Eversource*, Order No. 26,057 (Sept. 19, 2019) at 9-10 (holding that the identity of the winning bidder must be made public but the identities of unsuccessful bidder should remain confidential).

The RFP process depends on the confidential treatment of bid terms and bidder identities to maintain a competitive bid process that results in maximum value for customers. If unsuccessful bidders' are identified, it could impact the Company's ability to obtain robust participation in competitive solicitations in the future.

The individual bidders that participated in the Company's Preliminary EPC RFP and Final EPC RFP process are direct competitors and, as such, their bidding strategies are proprietary and competitively sensitive. As discussed above, the development of large, utility-scale solar projects in New Hampshire is still in a relatively nascent stage, which heightens the

competitive pressures placed upon these bidders and the competitive harm that could result if their identities, proposed bid terms, and by extension their bidding strategies, are publicly disclosed. All of these factors weigh heavily in favor of finding that there is a substantial privacy interest at stake here. On the other side of the scale, the public interest in the identities of unsuccessful bidders is *de minimis* because disclosure would provide little, if any, information about the workings of government. Further, the disclosure of the identities of bidders who did not win the RFP would not advance the public's understanding of the Commission's analysis of whether the Kingston Solar Project is in the public interest. *See Public Service Company of New Hampshire*, Order No. 25,332 (Feb. 6, 2012) at 17 (finding that public disclosure of the names of the bidders who did not win a Scrubber contract from PSNH will not materially advance the public's understanding of the Commission's analysis of the prudence of Scrubber project costs).

The Commission has previously protected the identities of bidders. *See, e.g., Unitil Energy Systems, Inc.*, Order No. 25,303 (Dec. 15, 2011) at 7-8 (protecting, among other things, a list of suppliers who responded to the RFP). For example, in DE 17-124, the Commission protected the identities of unsuccessful bidders in the context of a commercial auction process. In that case, the Commission noted that the participating bidders in the auction were competitors and that their bidding strategies and business goals were proprietary and competitively sensitive. *Public Service Company of New Hampshire d/b/a Eversource*, Order No. 26,057 (Sept. 19, 2019) at 9. The Commission explained that disclosure of confidential information in the context of a competitive solicitation process—including bidder communications, identities, and bid terms—could expose the bidders' market and bidding strategies and cause them competitive harm. *Id.* at 10. For these reasons, the Commission held

that the privacy interest outweighed the public's interest in disclosure. *Id.* The facts are similar in this case and the Commission should reach the same conclusion here.

e. Confidential Bid Evaluation Process/Scoring/Ranking

The Company would be placed at a competitive disadvantage if its internal bid evaluation process was disclosed publicly because it would enable bidders to tailor their RFP responses to that process. This would make it more difficult to determine whether RFP responses are simply tailored to the Company's evaluation criteria or if they stand on their own merits. Consequently, the integrity of the RFP process would be undermined and the Company's ability to engage suppliers in a competitive process that maximizes bid value for the benefit of customers would be impeded. This, in turn, would make it more difficult to obtain products and services at competitive prices and might thereby increase rates to customers. Thus, there is a very strong privacy interest in avoiding public disclosure. The public interest in disclosure, on the other hand, is minimal because the information is not likely to shed meaningful light on the operation of government.

The Commission has previously granted confidential treatment to RFP bid evaluation materials. *See, e.g., Granite State Electric*, Order No. 25,338 (Mar. 27, 2012) at 9; *Unitil Energy Systems, Inc.*, Order No. 25,303 (Dec. 15, 2011) at 7-8 (protecting a brief narrative discussion of bids received, a list of suppliers who responded to the RFP, a pricing summary consisting of a comparison of all price bids, each bidder's final pricing, a summary of each bidder's financial security requirements, a description of the financial security offered by each bidder, UES's ranking of each bidder's financial security, and the contact list used by UES during the RFP process); *North Atlantic Energy Corporation*, Order No. 23,986 (June 5, 2002) at 10 ("[P]ublic disclosure of bids, bid analyses, financial assessments, and data related to the

auction would chill future auction transactions, thereby limiting the results that might otherwise have been achieved.”). Further, the bid scoring and ranking information the Company seeks to protect is analogous to the bid evaluation information that is presumed to be confidential pursuant to Puc 201.06 (a) and which the Commission routinely protects in the context of default service proceedings. The Commission should protect the Company’s bid evaluation materials consistent with its precedent and the treatment of similar information pursuant to Puc 201.06(a).

f. Commercially Sensitive and Confidential REC Price Quote

DOE 2-3 Attachment 4 and DOE 2-3 Attachment 5 contain a Renewable Energy Certificate (“REC”) price quote from a price sheet provided to the Company by a third-party REC broker. The price sheet is copyright protected.

The REC price information has commercial value to the third-party REC broker. If the REC price was disclosed in this proceeding, it would impair the commercial value of that information because parties would have free and unrestricted access to that information. Thus, the REC broker plainly has a privacy interest in this information.

The Commission has previously determined that the public’s interest in copyrighted, proprietary and confidential information was not as weighty as the countervailing interest in non-disclosure:

We are cognizant that the analyses and related documents are copyright protected and were provided to the Company without authority to share the information publicly. Consequently, public release of the analyses could harm the Company’s ability to obtain this type of information in the future, because it could violate the terms of its agreement with the publishers and would harm the competitive interests of the publishers of the copyrighted materials if such information were provided to the public for free. Those factors make the interest in nondisclosure more substantial.

Northern Utilities, Inc., DG 20-078, Order No. 26,385 (July 28, 2020) at 11.

The Commission should reach the same conclusion in this case. Disclosure of the REC price quote would not provide the public with information about the conduct or activities of the Commission or other parts of the New Hampshire government. Accordingly, disclosure is not warranted.

IV. CONCLUSION

For the above reasons, Unitil requests that the Commission issue an order protecting the above-described information from public disclosure and prohibiting copying, duplication, dissemination or disclosure of it in any form. The Company further requests that the protective order extend to any discovery, testimony, argument, and briefing relative to the confidential information.

WHEREFORE, Unitil respectfully requests that the Commission:

- A. Issue an appropriate order that exempts from public disclosure and otherwise protects as requested above the confidentiality of the above-described information designated confidential; and
- B. Grant such further relief as may be just and appropriate.

[signature page to follow]

Respectfully Submitted,

UNITIL ENERGY SYSTEMS, INC.

By:

A handwritten signature in black ink that reads "Matthew Campbell". The signature is written in a cursive style with a horizontal line underneath it.

Matthew C. Campbell
Unitil Service Corp.
6 Liberty Lane West
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603-773-6543
campbellm@unitil.com

Dated: April 4, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April 2023, a copy of the foregoing Motion was electronically delivered to the Service List for this proceeding.

A handwritten signature in black ink that reads "Matthew Campbell". The signature is written in a cursive style with a large initial "M".

Matthew C. Campbell

ATTACHMENT 1
**SUMMARY OF CONFIDENTIAL INFORMATION IN
THE CONFIDENTIAL RESPONSES**

Request No.	Attachment	Basis for Confidential Treatment
DOE 1-1	DOE 1-1 Attachment 1	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates and Pricing Information • Commercially Sensitive and Proprietary Production Profile Data
DOE 1-2	DOE 1-2 Attachment 1	<ul style="list-style-type: none"> • Information that could be used to identify unsuccessful bidder
DOE 1-3	DOE 1-3 Attachment 1	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates and Pricing Information
DOE 1-3	DOE 1-3 Attachment 2	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Pricing Information
DOE 1-3	DOE 1-3 Attachment 3	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Pricing Information
DOE 1-3	DOE 1-3 Attachment 5	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Pricing Information
DOE 1-5	-----	<ul style="list-style-type: none"> • Information that could be used to identify unsuccessful bidder
DOE 1-5	DOE 1-5 Attachment 1 ³	<ul style="list-style-type: none"> • Information that could be used to identify unsuccessful bidder • Commercially Sensitive and Proprietary Response to RFP
DOE 1-6	DOE 1-6 Attachment 1 ⁴	<ul style="list-style-type: none"> • Commercially Sensitive and Proprietary Response to RFP • Information that could be used to identify unsuccessful bidder
DOE 1-6	DOE 1-6 Attachment 2 ⁵	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates • Information that could be used to identify unsuccessful bidder
DOE 1-7	DOE 1-7 Attachment 1	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates and Pricing Information • Information that could be used to identify unsuccessful bidder
DOE 1-12	DOE 1-12 Attachment 1	<ul style="list-style-type: none"> • Commercially Sensitive and Proprietary Production Profile Data • Information that could be used to identify unsuccessful bidder

³ The Company is requesting that this document be protected in its entirety.

⁴ The Company is requesting that this document be protected in its entirety.

⁵ The Company is requesting that this document be protected in its entirety.

Request No.	Attachment	Basis for Confidential Treatment
DOE 2-3	DOE 2-3 Attachment 1(a) ⁶	<ul style="list-style-type: none"> • Commercially Sensitive and Proprietary Response to RFP • Commercially Sensitive and Confidential Cost Estimates, Pricing Information, and Contract Terms • Information that could be used to identify unsuccessful bidder
DOE 2-3	DOE 2-3 Attachment 1(b)	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates, Pricing Information, and Contract Terms • Commercially Sensitive and Proprietary Production Profile Data • Information that could be used to identify unsuccessful bidder
DOE 2-3	DOE 2-3 Attachment 2(a) – (q) ⁷	<ul style="list-style-type: none"> • Commercially Sensitive and Proprietary Response to RFP • Information that could be used to identify unsuccessful bidder
DOE 2-3	DOE 2-3 Attachment 2(r)	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates, Pricing Information, and Contract Terms • Commercially Sensitive and Proprietary Production Profile Data
DOE 2-3	DOE 2-3 Attachment 3	<ul style="list-style-type: none"> • Confidential Bid Evaluation Process/Scoring/Ranking • Information that could be used to identify unsuccessful bidder
DOE 2-3	DOE 2-3 Attachment 4	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates and Pricing Information • Commercially Sensitive and Confidential REC Price Quote
DOE 2-3	DOE 2-3 Attachment 5	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates and Pricing Information • Commercially Sensitive and Confidential REC Price Quote
DOE 2-4	DOE 2-4 Attachment 1	<ul style="list-style-type: none"> • Commercially Sensitive and Confidential Cost Estimates and Pricing Information

⁶ The Company is requesting that this document be protected in its entirety.

⁷ The Company is requesting that this document be protected in its entirety.