

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Docket No. DE 22-027

**Petition of New Hampshire Transmission, LLC for Authority to Construct, Own, Operate,
and Finance Additional Transmission Equipment**

**DEPARTMENT OF ENERGY MOTION FOR PROTECTIVE ORDER AND
CONFIDENTIAL TREATMENT**

NOW COMES the New Hampshire Department of Energy (“Department”), pursuant to Puc 203.08, and moves the New Hampshire Public Utilities Commission (“Commission”) to grant confidential treatment and issue an appropriate protective order to protect from public disclosure certain confidential information submitted by the Department in this proceeding. Specifically, the Department requests that the Commission issue an order requiring confidential treatment for information that is designated as “Critical Energy Infrastructure Information” (CEII). In support of this motion, the Department states as follows:

1. CEII is defined to include certain information related to an existing or proposed, “system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.” *See* 16 U.S.C.A. § 824o–1(a)(2) and (3).
2. Federal law prohibits public disclosure of information designated as CEII. Specifically, 16 U.S.C.A. § 824o-1(d)(1)(B) states that CEII, “shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.”

3. The information the Department seeks to keep confidential is included on pages 2 and 3 of the Department's technical statement titled *New Hampshire Department of Energy Technical Statement of Jay E. Dudley and Mark P. Toscano*.
4. The information on pages 2 and 3 of the Department's technical statement was obtained independently by the Department from the *ISO New England New Hampshire 2029 Solutions Study*. The information contained in this study has been designated as CEII, requiring special permission to access the document.
5. Information is deemed CEII to protect against the uncontrolled distribution of the specific engineering, vulnerability, and design information about proposed and existing critical infrastructure. Given the CEII designation of the ISO study, the dissemination of the information marked as confidential in the Department's technical statement may jeopardize critical infrastructure, which could have severe negative impacts to national security, economic security, or public health and safety.
6. The Department hereby requests that the Commission issue an order protecting the above-described information from public disclosure, subject to the Commission's procedures and practices for protecting the confidentiality of such information. The Department further requests that the protective order also extend to any discovery, testimony, argument, or briefing in this docket relative to the confidential information.

WHEREFORE, the Department respectfully requests that the Commission:

- A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the information designated confidential that is contained in the unredacted version of the Department's Technical Statement;
and

B. Grant such additional relief as is just and equitable.

Respectfully Submitted,

/s/ Matthew C. Young

Matthew C. Young
Hearings Examiner/Staff Attorney
N.H. Department of Energy
21 South Fruit Street
Concord, NH 03301
(603) 271-3670
Matthew.C.Young@energy.nh.gov

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion was provided via electronic mail to the individuals included on the Commission's service list for this docket

/s/ Matthew C. Young
Matthew C. Young, Esq.