

**STATE OF RHODE ISLAND**  
**ENERGY FACILITY SITING BOARD**

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<b>IN RE: REVOLUTION WIND, LLC’S</b>	)	
<b>APPLICATION TO CONSTRUCT AND</b>	)	Docket No. SB-2021-01
<b>ALTER MAJOR ENERGY FACILITIES IN</b>	)	
<b>NORTH KINGSTOWN, RHODE ISLAND</b>	)	

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**SUPPLEMENTAL MEMORANDUM OF REVOLUTION WIND, LLC**  
**IN SUPPORT OF ITS MOTION FOR**  
**PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

On December 30, 2020, Revolution Wind, LLC<sup>1</sup> (“Revolution Wind”) filed a motion with the Energy Facility Siting Board (the “EFSB”) seeking protection from public disclosure of certain confidential information submitted in support of Revolution Wind’s Application for License to Construct and Alter Major Energy Facilities dated December 30, 2020 (the “Application”). Specifically, Revolution Wind requested an order from the EFSB to protect certain confidential cost information contained within Appendix C of the Environmental Report to the Application (“Appendix C”) and certain Critical Energy Infrastructure Information (“CEII”) contained in Appendix A of the Environmental Report to the Application. The portions of Appendix A to the Environmental Report for which Revolution Wind sought confidential treatment were the Interconnection Facility (“ICF”) Grading and Drainage Plan, the ICF Layout and Utilities Plan, the Onshore Substation Grading and Drainage Plan, and the Onshore Substation Layout and Utilities Plan (together, the “Appendix A CEII”). Revolution Wind requested protective treatment of this information and a determination that this information is not a public record, in accordance with R.I. Gen. Laws §§ 38-2-2(4)(B) and (4)(F).

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<sup>1</sup> Revolution Wind is a 50/50 joint partnership between Ørsted and Eversource, referred to herein as the “Ørsted/Eversource JV.”

During the Preliminary Hearing held on March 22, 2021, the EFSB requested that Revolution Wind supplement its motion to provide additional information demonstrating that the confidential cost information in Appendix C and the Appendix A CEII met the standards for protective treatment under R.I. Gen. Laws §§ 38-2-2(4)(B) and (4)(F). This supplemental memorandum provides the requested information. For the reasons stated in Revolution Wind's original motion and in this supplemental memorandum, Revolution Wind respectfully requests that the EFSB grant its motion for protective treatment.

#### **I. PROTECTIVE TREATMENT OF CONFIDENTIAL COST INFORMATION**

Appendix C includes project cost information relating to the construction, operation, and maintenance of the proposed facilities. Revolution Wind seeks confidential treatment of this information due to the competitive nature of offshore wind solicitations and the competitive bidding processes involved. The Revolution Wind Farm project (the "Project") was awarded to Revolution Wind's predecessor after a competitive solicitation coordinated through, and approved by, the Rhode Island and Connecticut regulators, with the local electric distribution companies purchasing the Project's energy output. The Project costs included within those solicitations were kept under strict confidence during the bid process. Disclosure of that information during this proceeding would provide direct competitors of Revolution Wind<sup>2</sup> with proprietary information that could undermine the ability of the Orsted/Eversource JV to compete effectively in future solicitations.

Further, Revolution Wind received some of the competitive quotes used to generate estimates for Project components under obligations to maintain strict confidentiality. Disclosing the estimate details would provide potential competitors with specific information regarding how

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<sup>2</sup> The Orsted/Eversource JV includes other offshore wind projects in addition to the Revolution Wind Project. Disclosure of the confidential cost information included in the Project application risks harming those projects as well.

Revolution Wind developed the Project estimate. This information likely would inform the bases for future competitive proposals.

While disclosure of project cost information may in some instances further important interests in transparency and public accountability, these considerations do not apply in this case. As a result of the competitive bidding process and regulatory approval of the power purchasing agreements, the purchasing price of the Project's output is fixed. Revolution Wind has assumed all risks with respect to Project costs, and the impacts to ratepayers have been vetted, established, and disclosed publicly. The estimated Project costs, or any subsequent potential change to those costs upon Project completion, will not affect the purchase price.

Because the information contained in Appendix C is highly sensitive and could harm Revolution Wind's competitive position if disclosed, Revolution Wind respectfully asks the EFSB to maintain its confidentiality.

## **II. PROTECTIVE TREATMENT OF CRITICAL ENERGY INFRASTRUCTURE INFORMATION**

The Appendix A CEII includes CEII relating to electric transmission infrastructure and the safe and reliable operation of the electric system. In light of the Board's request for additional information regarding the Appendix A CEII, Revolution Wind has refined the redactions submitted previously and proposes the attached, narrowly tailored redactions to Appendix A.<sup>3</sup> These revised redactions protect the identification of certain specific equipment and infrastructure included within the site plan. Public disclosure of the identity and location of this specific equipment would make the electric utility infrastructure vulnerable to ill-intentioned individuals seeking to damage utility infrastructure and the regional electric transmission system by providing a blueprint for points of potential attack that could significantly disrupt the electric

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<sup>3</sup> These revised redacted versions of the Appendix A CEII are attached to this supplemental memorandum as Attachment 1.

system, including through power outages. Therefore, because the Appendix A CEII, as identified by the revised redactions, constitutes “scientific and technological secrets . . . the disclosure of which would endanger the public welfare and security,” Revolution Wind respectfully asks the EFSB to maintain its confidentiality. *See* § 38-2-2(4)(F).

### **III. CONCLUSION**

For the reasons stated in its initial motion and this supplemental memorandum, Revolution Wind respectfully requests that the EFSB grant its Motion for Protective Treatment, grant protective treatment to Appendix C and the Appendix A CEII, and take the following actions to preserve the confidentiality of these documents and information: (1) maintain Appendix C and the Appendix A CEII as confidential indefinitely; (2) not place Appendix C and the Appendix A CEII on the public docket; and (3) disclose Appendix C and the Appendix A CEII only to the EFSB, its attorneys, and staff as necessary to review Revolution Wind’s Application.

Date: March 29, 2021

Respectfully submitted,

Revolution Wind, LLC,  
By its attorneys,



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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2021, I sent a copy of the foregoing to the service list below by electronic mail.

*/s/ Adam M. Ramos*

**SB-2021-01 Revolution Wind, LLC Application for Major Energy Facility: Service List (as of 03/26/2021)**

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# **Attachment 1**







