STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ENERGY FACILITY SITING BOARD

IN RE:

INVENERGY THERMAL DEVELOPMENT LLC

APPLICATION TO CONSTRUCT AND

OPERATE THE CLEAR RIVER ENERGY : SB-2015-06

CENTER, BURRILLVILLE, RHODE ISLAND

MOTION FOR PROTECTIVE TREATMENT

ORDER

This matter came before the Energy Facility Siting Board on a Motion for Protective Treatment filed by Invenergy Thermal Development LLC (Invenergy). Invenergy requests that certain information within the testimony of Ryan Hardy of PA Consulting Group, Inc. (PA) and Exhibits RH-2 and RH-3 attached to the testimony be kept confidential indefinitely, not be placed in the public docket, and be disclosed only to the Board, attorneys and staff as necessary to review Invenergy's Application. Specifically, the exhibits identified by Invenergy are: 1) Exhibit RH-2 which is an April 22, 2016 Memorandum and supporting materials that describe the methodology for projecting capacity prices for the future Forward Capacity Auction, with price projections and cash flow projections for the Clear River Energy Center Project, and 2) Exhibit RH-3 which is a second April 22, 2016 Memorandum that describes the analysis, market assumptions, and modeling methodology, as well as projections of the operations and energy margins of the proposed Project. Invenergy also requests that the portions of Mr. Hardy's prefiled testimony that discuss the information contained in these memoranda be given protective treatment.

In support of its motion, Invenergy asserts that the information it seeks to protect is highly sensitive and, if disclosed to the public and/or its competitors, would harm Invenergy's competitive position in the wholesale electricity market. Furthermore, release of the details of PA's price forecasting and market projection analysis would cause substantial harm to Invenergy's competitive position. As such, the detailed market data and modeling contained in the two

memoranda would fall within the trade secret and commercial information exception of R.I. Gen. Laws §38-2-2(4). Invenergy also asserts that this information is treated confidentially throughout the industry. No party or other interested person in this matter objected to the motion.

The arguments made by Invenergy support its motion. The Board finds that the two exhibits and testimony related to them should be provided protective treatment. Those exhibits and testimony shall be kept confidential indefinitely, not be placed in the public docket, and be disclosed only to the Board, attorneys, and expert consultants as necessary to review Invenergy's Application.

Accordingly, it is hereby

(101) <u>ORDERED</u>:

The Invenergy Thermal Development LLC Motion for Protective Treatment of Exhibits RH-2 and RH-3 and related testimony is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND, OCTOBER 3, 2016. WRITTEN ORDER ISSUED OCTOBER 5, 2016.

ENERGY FACILITY SITING BOARD

Margaret E. Curran, Chairperson

Janet Coit, Member

Parag Agrawal, Member