

**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 three Excel files attached to its responses to the Office of Energy Resources' (OER) Second Set of Data Requests 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 Excel files identified by Invenergy are: 1) "Clear River – Market Assumption and Results – With Clear River"; 2) "Clear River – Market Assumptions and Results -- Without Clear River::; and 3) "Clear River – Emissions Generation and Heat Input Results."

In support of its motion, Invenergy asserts that the information it seeks to protect is confidential and, if disclosed to the public and/or its competitors, would cause substantial harm to Invenergy's competitive position. As such, the detailed market data and modeling contained in the Excel files would fall within the trade secret and commercial information exception of R.I. Gen. Laws §38-2-2(4). No party or other interested person in this matter objected to the motion.

The arguments made by Invenergy support its motion, and the Board finds that the three Excel files identified above should be provided protective treatment. Those files 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 these proceedings.

Accordingly, it is hereby

(99) ORDERED:

The Invenergy Thermal Development, LLC Motion for Protective Treatment of 1) “Clear River – Market Assumption and Results – With Clear River;” 2) “Clear River – Market Assumptions and Results – Without Clear River;” and 3) “Clear River – Emissions Generation and Heat Input Results” 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