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 memoranda prepared by its consultant, PA Consulting Group, Inc. (PA), be kept confidential indefinitely, not be placed in the public docket, and be disclosed only to the Board, its attorneys and staff as necessary to review Invenergy's Application. Specifically, the memoranda identified by Invenergy are: 1) a July 29, 2015 Memorandum that describes the methodology for projecting capacity prices for the upcoming 2019/20 Forward Capacity Auction, with price projections and cash flow projections for the Clear River Energy Center Project and 2) a June 19, 2015 Memorandum that describes the analysis, market assumptions, and modeling methodology, as well as projections of the operations and energy margins of the proposed Project.

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 memoranda should be provided protective treatment. Those memoranda shall be kept confidential indefinitely, not be placed in the public docket, and be disclosed only to the Board, its attorneys, and staff as necessary to review Invenergy's Application.

Accordingly, it is hereby

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

Invenergy Thermal Development, LLC Motion for Protective Treatment of the July 29, 2015 and the June 19, 2015 memoranda is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND, JANUARY 12, 2016. WRITTEN ORDER ISSUED MARCH 10, 2016.

ENERGY FACILITY SITING BOARD

Margaret E. Curran, Chairperson

Janet Coit, Member

