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 the following be granted protection from public disclosure: 1) Invenergy's response to Burrillville's Date Request No. 22-23(a), stating the annual number of megawatt hours (MWH) the Clear River Energy Center (CREC) is anticipated to produce when operating with natural gas, broken down by calendar year; and 2) Schedule 1 to Invenergy's agreement with Benn Water & Heavy Transport Corp (Benn Water), attached to Invenergy's Response to the Town of Burrillville's 22nd Set of Data Requests, No. 22-16, Exhibit 1.

In support of its motion, Invenergy asserts that the information regarding MWHs and third-party pricing information incorporated into its agreement with Benn Water is confidential and, if disclosed to the public and/or its competitors, would cause substantial harm to Invenergy's and/or Benn Water's competitive position. As such, Invenergy claims that this information should be protected under the trade secret and commercial exemption of the Access to Public Records Act, specifically, 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 MWH information and Schedule I to Invenergy's agreement with Benn Water 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

(109) ORDERED:

The Invenergy Thermal Development, LLC Motion for Protective Treatment of 1) Invenergy's response to the Town of Burrillville's Request No. 22-23(a), stating the annual number of megawatt hours (MWH) the Clear River Energy Center (CREC) is anticipated to produce with operating with natural gas, broken down by calendar year; and 2) Schedule 1 to Invenergy's agreement with Benn Water & Heavy Transport Corp (Benn Water), attached to Invenergy's Response to the Town of Burrillville's 22nd Set of Data Requests, No. 22-16, Exhibit 1 is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND, MARCH 21, 2017. WRITTEN ORDER ISSUED MARCH 28, 2017.

ENERGY FACILITY SITING BOARD

Margaret E. Curran, Chairperson

Janet Coit, Member

Parag Agrawal, Member