STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

October 21, 2026
In reply, please refer to:
Docket No. 26-08-08
Motion No. 8

Vincent P. Pace, Esq.
Eric Eggleston, Esq.
Eversource Energy
P.O. Box 270
Hartford, CT 06410

Re: Docket No. 26-08-08 – Non-Wires Solutions Process Cycle 2

Dear Attorneys Pace and Eggleston:

On June 17, 2026, The Connecticut Light and Power Company d/b/a Eversource Energy (Company) filed a motion (Motion No. 8) in response to the Authority's May 27, 2026, Motion No. 7 Ruling requesting that the Public Utilities Regulatory Authority (Authority) approve the Company's proposed redactions to Q-RSR-012, Attachment 1 and Q-RSR-003, Attachment 1 (Attachments) and permit the Company to apply such proposed redactions to various documents submitted in response to Authority interrogatories in this proceeding (Documents).[1] Specifically, the Company asserts that the redacted information in the Documents are exempt from public disclosure under Connecticut's Freedom of Information Act (FOIA), General Statutes § 1-210(b)(2),(5), and (19). The motion is granted, in part, and denied, in part.

I. BACKGROUND

The Authority's April 16, 2026, Motion No. 5 Ruling granted, in part, and denied, in part, the Company's request to provide protective treatment for the Documents. Specifically, the ruling determined that while the Documents contained certain information that constitutes critical energy infrastructure information (CEII), the Company's request to designate the entirety of the Documents as CEII and exempt them from public disclosure was overly broad.[2] Motion No. 5 Ruling, p. 3. The Authority indicated that certain information, such as generic descriptions of the identified projects, a statement of need for the projects, the project objectives, a scope of work, various alternative projects considered and the advantages and disadvantages of each, and a proposed schedule that includes projected or suggested in-service dates, could not be reasonably construed

[1] Specifically, Attachments 1 and 2 to Interrogatory Response RSR-004; Attachment 1 to Interrogatory Response RSR-005; Attachment 1 to RSR-011; Attachments 1, 2A, 2B, and 3 to Interrogatory Responses RSR-012 and RSR-013; and Attachment 1 to RSR-003. Motion No. 5 Ruling, pp. 1-2.

[2] The Authority determined that Interrogatory Response RSR-011, Attachments 2 and 3 are exempt from public disclosure under General Statutes § 1-210(b)(5). Motion No. 5 Ruling, p. 2.

as CEII. Id. As such, the Authority directed the Company to file no later than May 8, 2026, public versions of the Documents that redacted only information constituting CEII, "such as circuit diagrams, the specific location of certain infrastructure, and the number of critical customers served by a circuit." Id., p. 3. The Authority also indicated that the Company could renew its motion for protective order upon resubmittal of the redacted Attachments. Id.

The Company subsequently filed a motion for full panel review arguing that the Motion No. 5 Ruling was too narrow and rendered the Company unable to redact confidential and sensitive electric system information that constitutes CEII. Motion No. 7, pp. 4-5. Additionally, the Company requested that the Authority either convene a technical meeting where the Company could explain in more detail the type of information the confidential attachments that constitute CEII or direct the Company to file a sample of documents that show the additional information the Company proposes to redact. Id., pp. 7–8. The full panel of commissioners affirmed the Motion No. 5 Ruling but directed the Company to file a sample of documents proposing the additional information the Company sought to redact. Motion No. 7 Ruling, p. 2.

The Company filed proposed redactions to the Attachments and Motion No. 8, arguing that the redactions protect confidential information exempt from public disclosure under General Statutes § 1-210(b)(2), (5), and (19). Motion No. 8, p. 2. On June 22, 2026, the Office of Consumer Counsel (OCC) filed a response in opposition to Motion No. 8 (OCC Opposition).

II. LEGAL STANDARD

Under FOIA, the general rule is that "all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation," are public records. General Statutes § 1-210(a). Certain records are exempt from mandatory public disclosure by FOIA, however.[3] General Statutes § 1-210(b). The burden of establishing an exemption from disclosure under FOIA rests on the party claiming the exemption. New Haven v. Freedom of Information Commission, 205 Conn. 767, 775 (1988). A claimant must "provide more than conclusory language, generalized allegations or mere arguments of counsel. Rather, a sufficiently detailed record must reflect the reasons why an exemption applies to the materials requested." Id. at 776.

Moreover, while some records may qualify for an exemption in their entirety, "[w]hen portions of a document are subject to [a FOIA] exemption, those portions are redacted, and the remainder are to be disclosed." Commissioner, Dept. of Correction v. Freedom of Information Comm'n, Nos. CV084016692S, CV094020945S, 2009 WL

[3] FOIA exemptions are permissive, not mandatory, and agencies may elect to disclose information that is subject to an exemption. See Opinions, Conn. Atty. Gen. No. 2005-026 (October 14, 2005), pp. 1, 3; Massachusetts Mutual Life Ins. Co. v. State, No. CV054014549, 2005 WL 2277264 at *4 (Conn. Super. Ct. Aug. 25, 2005) ("exemptions listed at General Statutes § 1-210(b) . . . are permissive"); State Office of the Attorney General v. Freedom of Information Commission, Superior Court, No. CV094021768S, 2011 WL 522872 at *6 (Conn. Super. Ct. Jan. 20, 2011) (discretion exists for disclosures of information "controlled by the permissive language 'nothing . . . shall be construed to require disclosure of'").

4852114, *5 (Conn. Super. Ct. Dec. 17, 2009) (citing Gordon v. Sandoval County Assessor, 130 N.M. 573, 28 P.3d 1114 (N.M.App. 2001). "The redaction of portions of a record has been recognized from the creation of the FOIC as a partial disclosure remedy under FOIA." Id. The use of redactions is consistent with the Authority's "strong presumption that all documents filed with it are public records subject to the right of public inspection and copying." Notice of Proceeding, Jan. 23, 2026, p. 3.

Trade secrets and confidential commercial or financial information may be exempt from disclosure under FOIA. General Statutes § 1-210(b)(5). Trade secrets are defined as "information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy." General Statutes § 1-210(b)(5)(A). "Commercial or financial information given in confidence, not required by statute" is not required to be disclosed under FOIA. General Statutes § 1-210(b)(5)(B).

Personnel, medical, and similar files, "the disclosure of which would constitute an invasion of personal privacy" may be exempt from disclosure under FOIA. General Statutes § 1-210(b)(2). "When a claim for exemption is based upon § 1-210(b)(2), the person claiming the exemption must meet a twofold burden of proof. First, the person claiming the exemption must establish that the files are personnel, medical or similar files. . . . Second, the person claiming the exemption under § 1-210(b)(2) must also prove that disclosure of the files would constitute an invasion of personal privacy." Rocque v. Freedom of Information Commission, 255 Conn. 651, 661 (2001). In addition, the exemption for personal privacy applies "only when the information sought does not pertain to legitimate matters of public concern, and [disclosure] is highly offensive to a reasonable person." Dept. of Children & Families v. Freedom of Information Commission, 48 Conn. App. 467, 472 (1998).

Additionally, records may be exempt from disclosure under FOIA when:

> there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility. . . .

General Statutes § 1-210(b)(19).[4,5] For executive branch agencies, the determination of whether there are "reasonable grounds" that disclosure of a record may result in a safety

[4] "Government-owned or leased institution or facility" includes institutions or facilities owned by a public service company, such as Eversource. General Statutes § 1-210(b)(19).

[5] General Statutes § 1-210(b)(19)(i) through (vii) provide a non-exhaustive list of records that are exempt from public disclosure. The Company does not assert that any of the information contained in the documents falls within the enumerated list in General Statutes §1-210(b)(19).

risk is made by the Commissioner of Administrative Services, after consultation with the chief executive officer of an executive branch state agency. General Statutes § 1-210(b)(19)(A)(i). As with other FOIA exemptions, the burden of proving the applicability of the FOIA exemption rests with the party claiming the exemption; therefore, the party seeking the exemption is obligated to seek a public safety determination from the appropriate entity under General Statutes § 1-210(b)(19). Director, Dept. of Information Technology of the Town of Greenwich v. Freedom of Information Commission. 274 Conn. 179, 189–190 (2005) (noting legislative history contemplates municipalities, certain state agencies, public service companies, telecommunications companies, and water utilities applying for permission to keep sensitive documents from the public (emphasis added)).

III. ANALYSIS

The Documents consist of a wide array of Company planning documents, including, but not limited to, a spreadsheet listing substation projects, a description of the projects, the status of projects, a "solution selection form," an "operations project authorization form," an "initial funding request form." The Company proposes to exempt the following information from public disclosure: (1) the solution selection form in its entirety;[6] (2) project need statements in their entirety, which include references to transformer and substation names, locations, ages, conditions of the equipment, loading forecast, and Company rankings or other assessments; 3) any references throughout the Documents to any of the information previously mentioned; 4) technical justifications; project scopes; potential alternative solutions studied; results of substation constructability reviews; and engineering schematics, maps, photographs, and diagrams. Motion No. 8, p. 2.

The Company primarily argues that the above-referenced information provides descriptions of specific vulnerabilities of the equipment at issue in the Documents, which would enable bad actors to identify weak points in the distribution system by describing the vulnerabilities of specific facilities and their relationship with other vulnerable facilities. Id., p. 3. Moreover, while the Company states that its proposed redactions are more numerous and cover more information than other documents previously afforded protective treatment, it argues that additional protections in this proceeding are necessary since the documentation provided describes current grid vulnerabilities, rather than those already addressed by completed projects. Id., p. 4.

OCC emphasizes that FOIA exemptions protect only specific portions of documents subject to those exemptions, rather than an entire document. OCC Opposition, p. 1. Further, while OCC states that cybersecurity matters are critical, it is concerned that safety concerns can be used to indiscriminately override FOIA's general presumption of public disclosure and prevent the public from engaging with materials in docketed proceedings. Id., pp. 2–3. More specifically, OCC raises concerns that the proposed redactions are overly broad and exempt items, such as project costs, or whole

[6] Although not stated explicitly in the motion, it is implied that the Company seeks protective treatment of the entire solution selection form since it omitted the first 43 pages of the document in its proposed redactions to Interrogatory Response RSR-003, Attachment 1.

paragraphs where more precision may be necessary. Id., p. 2. Finally, OCC also raises concerns that some of the proposed redactions encompass the type of information that has been filed publicly in the past or in other docketed proceedings. Id.

As previously stated, while the Authority is consulted as to whether there are reasonable grounds to believe disclosure of records may result in a safety risk under General Statutes § 1-210(b)(19), the Commissioner of Administrative Services ultimately renders such a determination on behalf of executive agencies. The Company, as the party seeking the FOIA exemption, is obligated to seek a public safety determination from the Commissioner of Administrative Services. Town of Greenwich v. Freedom of Information Commission, 274 Conn. at 189–190. The Authority is unaware of any such efforts made by the Company nor has it been consulted as to whether reasonable grounds exist to exempt such information from public disclosure under FOIA. As such, the Authority cannot independently rule on whether portions of the Documents are exempt from public disclosure under General Statutes § 1-210(b)(19).

Nevertheless, the Authority shares OCC's concerns that the Company's proposed redactions are overly broad. For instance, the name of the substation or transformer does not disclose the specific location of the infrastructure at issue or provide any meaningful insight into the project or its vulnerabilities. Statements indicating that a certain transformer or equipment is past its useful life, is aging, or is overloaded generally do not provide critical insights into vulnerable infrastructure. To the contrary, this information is crucial to transparently communicating to the Authority, parties, and the public about why certain capital projects have been or will be pursued by the Company. Moreover, the Company publicly disclosed specific substation names, ongoing reliability and resiliency concerns on a specific substation, the age of transformers, in past docketed proceedings. See, e.g., Compliance, Jan. 20, 2023, Docket No. 22-06-05, PURA Implementation of Public Act 22-55, Att. 1–3.

The Company's proposed full redaction of its solution selection form is also overly broad as it exempts in full, among other things, descriptions regarding certain project costs, information about the need for the project, project objectives, and alternatives considered. While certain statements made within such topic areas could potentially be exempt from public disclosure, complete redaction would hinder discussion in public hearings regarding projects ratepayers are or will be paying for and would run contrary to the open conduct of government business to the public and FOIA's general presumption of public disclosure.

While the Authority recognizes that the Documents consist of approximately 1,100 pages, the Authority has recently reiterated its reluctance to permit public service companies to forego filing redacted versions of documents simply because doing so may be burdensome. See, e.g., Procedural Order Regarding Protected Materials, Docket No. 26-05-10, Application of the Connecticut Light and Power Company d/b/a/ Eversource Energy to Amend its Rate Schedule, p. 2 ("Sheer volume is not a sufficient basis for submitting bulk filings only confidentially, without submitting a public version."). Such is consistent with the standard to which government agencies are held by the Freedom of Information Commission and the courts. See, e.g., Office of Corporation Counsel of City

of Danbury, v. Freedom of Information Com'n, 20. No. HHBCV126017045S, 2013 WL 5289790 at *6 (Conn. Super. Ct. Aug. 23, 2013) ("a records request that is simply burdensome does not excuse an agency from its obligations under the FOI Act" (citing, Wildin v. Freedom of Information, 56 Conn. App. 683, 687, (2000))).

Finally, the Company seeks to redact all Eversource employee names listed in the Documents pursuant to General Statutes § 1-210(b)(2) and (5) because the disclosure of employee names increases the risk of cyber attacks targeting the specific employee identified. Motion No. 8, p. 6. However, the Company fails to demonstrate that the Documents constitute personnel, medical or similar files within the meaning of General Statutes § 1-210(b)(2) or, besides a bald assertion, that disclosure would constitute an invasion of personal privacy. Moreover, the Company fails to demonstrate that the employees' names constitute a trade secret or financial or commercial information given in confidence and not required by statute.[7] Accordingly, the Authority finds that employee names as they appear on the Documents are not exempt from public disclosure.

The Authority reiterates that it takes the security of Company infrastructure and cybersecurity matters seriously. However, the Authority must abide by the strong presumption that all documents filed with it are public records subject to the right of public inspection and copying, the transparent conduct of government business, and the judicial mandate that FOIA exemptions be narrowly construed. Stamford v. Freedom of Information Commissioner, 241 Conn. 310, 314 (1997).

IV. CONCLUSION

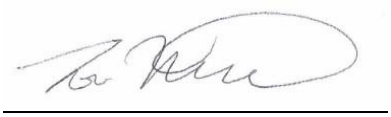
Motion No. 8 is granted, in part, and denied, in part. The Authority affirms its prior determinations in its Motion Nos. 5 and 7 Rulings that the Company may redact information in the Documents that constitute CEII, including, but not limited to, circuit diagrams, pictures of critical infrastructure, the specific location of certain infrastructure, and the number of critical customers served by a circuit. Additionally, the Authority determines that employee names in the Documents are not exempt from public disclosure under General Statutes § 1-210(b)(2),(5). Finally, the Authority determines that exemptions under General Statutes § 1-210(b)(19) for executive branch agencies are within the discretion of the Commissioner of Administrative Services, in consultation with the Authority. Therefore, the Authority is unable to independently render a determination as to whether General Statutes § 1-210(b)(19) apply.

Based on the forgoing, submission of unredacted versions of the Documents is stayed pending a determination from the Commissioner of Administrative Services on the applicability of General Statutes § 1-210(b)(19) on the Documents. Within 30 days of receipt of a determination from the Commissioner of Administrative Services, the Company shall file unredacted versions of the Documents in this proceeding in accordance with the Commissioner's determination. In the event the Company forgoes

[7] Notably, Eversource employees provide public testimony on distribution system projects and planning. Moreover, popular professional networking websites, such as LinkedIn, often publicly disclose employee names and job titles.

such a determination, the Company shall publicly file redacted versions of the Documents no later than 30 days from this ruling. The publicly redacted version of the Documents shall redact only information constituting CEII with an accompanying explanation with specific legal argument explaining why each category of information redacted constitutes CEII.

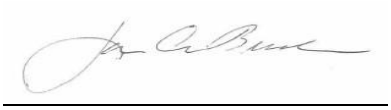
By the following commissioners,



Thomas H. Wiehl
Chairman



David Arconti, Jr.
Vice Chairman



Janice A. Beecher
Commissioner



Everett Smith
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Holly H. Cheeseman
Commissioner

cc: Service List