STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

April 16, 2026
In reply, please refer to:
Docket No. 26-08-08
Motion No. 5

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 March 31, 2025, The Connecticut Light and Power Company d/b/a Eversource Energy (Company) filed a motion (Motion No. 5) and supporting affidavit (Affidavit) requesting the Public Utilities Regulatory Authority (Authority) provide protective treatment for the following: 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; Attachments 2 and 3 to Interrogatory Response RSR-011; and Attachment 1 to RSR-003 (Attachments). Specifically, the Company asserts the Attachments are exempt from public disclosure under Connecticut's Freedom of Information Act (FOIA), General Statutes § 1-210(b)(5), and that several attachments contain critical energy infrastructure information (CEII) exempt from public disclosure pursuant to Title 18, Section 388.113(c)(1) of the Code of Federal Regulations (C.F.R.). The motion is granted in part and denied in part.[1]

The relevant parts of 18 C.F.R. § 388.113(c)(1) exempt CEII from public disclosure and prohibit such information from being made available by any state. CEII is defined, in relevant part, as specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that 1) relates details about the production, generation, transportation, transmission, or distribution of energy; 2) could be useful to a person planning an attack on critical infrastructure; 3) is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552; and 4) does not simply give the general location of the critical infrastructure. 18 C.F.R. § 388.113(c)(2).

[1] This ruling is being issued by Chairman Wiehl. A motion for full panel review of this ruling by the commissioners assigned to this docket may be filled within 14 days of this ruling.

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.[2] 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.

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).

Attachments 2 and 3 to Interrogatory Response RSR-011 contain summaries of pricing information from various bidders used to develop the Company's cost estimate for energy storage capacity. Motion No. 5, p. 4. The Company posits that potential bidders could skew the results of future requests for pricing if they had public access to such pricing information. Id. Based on the representations made in the motion and Affidavit, the Authority concludes that such pricing information is exempt from public disclosure under General Statutes § 1-210(b)(5).

The remainder of the Attachments contain various Company planning documents, such as a "solution selection form" and "funding request form" with various backup documentation. The Company asserts that such documents contain one-line diagrams, alternative solutions, proposed locations of projects, numbers in the text related to the number of critical customers served by a circuit, the length of the circuit, outage data associated with a particular circuit, and the existing and proposed future configuration of the Company's backbone of distribution circuits, with detailed engineering information

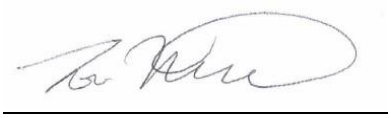
[2] FOIA exemptions are permissive, not mandatory, and agencies may elect to disclose information that is subject to an exemption. See Opinions, Conn. Atty. Gen. No. 2005-026 (October 14, 2005), pp. 1, 3; Massachusetts Mutual Life Ins. Co. v. State, No. CV054014549, 2005 WL 2277264 at *4 (Conn. Super. 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'").

about proposed and existing critical infrastructure that depicts and describes device locations with specificity, which constitute CEII. Id.

Based on its review of the Attachments and Affidavit, the Authority concludes that while the Attachments do contain certain information that constitutes CEII, such as circuit diagrams and the specific location of certain infrastructure, the Company's request to designate the entirety of the documents as CEII and exempt them from public disclosure is overly broad.[3] For instance, the Attachments include documents providing 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. Such information cannot be reasonably construed as constituting specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure as defined in 18 C.F.R. § 388.113(c)(1);[4] rather, the Authority expects that much of the information would be publicly available and subject to open dialogue between the Authority, the Company, and other parties and intervenors or participants during Authority proceedings, including in the Company's future rate case proceedings.

Based on the foregoing, except for Interrogatory Responses RSR-011, Attachments 2 and 3, the Authority directs the Company to file no later than May 8, 2026, public versions of the Attachments that specifically redact only information constituting CEII, such as circuit diagrams, the specific location of certain infrastructure, and the number of critical customers served by a circuit.[5] The Company may renew its motion for protective order upon resubmittal.

By the following commissioner,



Thomas H. Wiehl
Chairman

cc: Service List

[3] Notably, the Federal Energy Regulatory Commission (FERC) has raised concern about the overly broad use of the CEII designation to withhold from public access information that does not pose a risk of attack on energy infrastructure. See CEII Filing Guide | Federal Energy Regulatory Commission, last accessed, Apr. 16, 2026.

[4] The Authority is also unsure why "alternative solutions" as identified in Motion No. 5 would as a whole constitute CEII. Motion No. 5, p. 2, ¶ 1.

[5] The Authority's direction appears to be congruent with FERC regulations that direct the submitter to redact or otherwise protect from extraction information designated as CEII while publicly filing information that is not CEII. 10 CFR § 1004.13 (g)(2)(vi).