

October 6, 2000

Mr. Paul Peterson
ISO New England
One Sullivan Road
Holyoke, MA 01040-2841

RE: Protective Order for ICAP Bid Data

Dear Paul,

Enclosed is the Protective Order requested by Philip Pellegrino in his letter of September 25, 2000 to the Maine Commissioners in response to the Commissioners' letter concerning the ICAP spot market in April through July, 2000. In that letter, the Commissioners requested, among other things, that ISO-NE produce ICAP bid stacks for April and May 2000. By this letter, the Commission also requests the June and July, 2000 ICAP bid stacks and unredacted copies of ISO filings in the APS Complaint proceeding, Docket No. EL00-109-000. The enclosed Protective Order covers all the material requested in the Commissioners' earlier letter and in this letter.

Thank you for your assistance in this matter. Please feel free to call me if you have any questions.

Sincerely,

Lisa Fink
Staff Attorney

cc: Philip Pellegrino

/lf
Enc.

This Commission has requested that ISO-NE (ISO) provide it with the ICAP bid stacks for the ICAP spot market for April through July, 2000. In addition, in FERC docket No. EL00-109-000, ISO has filed a redacted answer to the Complaint filed by Alternative Power Source, Inc. (APS) requesting the Federal Energy Regulatory Commission (FERC) to direct the ISO to mitigate ICAP bids for April through July, 2000 if after an investigation there is a finding of anomalous conduct. The Commission has requested an unredacted version of the ISO answer so that it may fully participate in the APS Complaint proceeding pending at FERC. The bid stacks and the redacted information in the ISO's answer in Docket No. EL00-109-00 are considered confidential information under the NEPOOL Information Policy. The ISO has requested a protective order be issued in order to release the information described above. In order to allow the Commission access to the above-described material, the Commission's General Counsel determines that the protection requested by the ISO is warranted under Rule 26(c) of the Maine Rules of Civil Procedure.

Accordingly, it is

O R D E R E D

1. Subject to findings under the procedures described in paragraphs 2 and 3 below, bid stack information for April through July, 2000 for the ISO ICAP spot market and redacted information from the ISO's answer and any subsequent Confidential filings made by the ISO in FERC Docket No. EL00-109-000 that are requested by the Commission shall be considered "Designated Confidential Information" for purposes of this Order and, until such time as this Order is modified, access to Designated Confidential Information shall be limited as described in Paragraph 4 below.

2. Until further ordered, all Designated Confidential Information shall, unless removed from the coverage of this Order as provided in paragraph 3 below, be and remain confidential. Designated Confidential Information shall not be disclosed for any purpose except solely in accordance with this Order. No person to whom access to Designated Confidential Information is accorded pursuant to paragraph 4 of this Order shall disclose or reveal directly or indirectly, the content of the Designated Confidential Information to others except as provided in paragraph 4.

3. That the characterization and designation of any documents or other information as Designated Confidential Information may be challenged by any interested person by motion and upon reasonable prior notice and an opportunity for hearing. Upon the entry of an order granting such a motion, the provisions and

restrictions of this order shall cease to bind any person with respect to the documents or information that the order granting the motion expressly and clearly removes from the coverage of this Order.

4. That, until this Order is modified, access to Designated Confidential Information shall be limited to (i) Commission members staff and counsel; and (ii) counsel, employees, independent consultants, or experts retained by the Commission.

5. Designated Confidential Information shall be clearly marked "confidential" by the ISO. Any document or portion thereof not clearly and conspicuously marked "confidential" in bold lettering shall not be protected under the terms of this Order. Faxed materials should be marked as any other document. With regard to other media, diskettes should be marked "confidential" on the outside and each file on the diskette should be similarly identified. Any person subject to the terms of this Order who receives unmarked documents or materials which he/she believes the ISO intended to be protected by the terms of this Order, and that would have been protected if marked in accordance with this paragraph, shall make a good faith effort to notify the ISO of this fact and to avoid use of such documents or materials in a manner inconsistent with protection of such material under this Order.

6. That the restrictions upon, and obligations accruing to, persons who become subject to this order shall not apply to any Designated Confidential Information submitted in accordance with paragraph 1 of this Order if the Commission rules, after reasonable notice and hearing, that Designated Confidential Information was publicly known at the time it was furnished or has since become publicly known through no fault of the receiving party.

7. That where reference to Designated Confidential Information is required, that reference shall be by citation of title or exhibit number only or by some other non-confidential description to the extent possible. In those circumstances, counsel shall make every reasonable effort to preserve the confidentiality of material. If counsel shall include Designated Confidential Information in legal documents, that portion of such documents containing Designated Confidential Information shall be maintained under seal.

8. That should any Designated Confidential Information be forwarded to the courts of this State in accordance with applicable law and procedures, it shall be under seal and so designated in writing for the information of the court.

9. That the ISO may, at its option, provide to each person (other than Commission Members) having access to Designated Confidential Information a copy of this Order and require each person to agree in writing to the terms hereof prior to obtaining access to the Designated Confidential Information.

10. The Designated Confidential Information furnished by the ISO pursuant to this Order shall remain in the possession of the Commission, under seal, and subject to

the protective requirements of this Order, until this Commission or its authorized presiding officer shall otherwise order.

11. That this Order may be modified on motion of the Commission upon reasonable prior notice to the ISO and an opportunity for hearing.

Dated at Augusta, Maine, this 6th day of October, 2000.

BY ORDER OF THE GENERAL COUNSEL

Joanne B. Steneck