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Via Email

Hon. Kathleen H. Burgess
Secretary to the Board
NYS Board of Electric Generation Siting and the Environment
3 Empire State Plaza
Albany, NY 12223

Hon. Sean Mullany
Presiding Examiner
NYS Dept. of Public Service
3 Empire State Plaza
Albany, NY 12223

Hon. Daniel O'Connell
Associate Examiner
NYS Dept. of Environmental Conservation
625 Broadway, First Floor
Albany, NY 12223

RE: Signed Protective Order, Town Windsor for Case 16-F-0559 (Bluestone Wind LLC)

Dear Secretary Burgess and Examiners:

Our office represents the Town of Windsor in the above referenced Article 10 proceeding. Enclosed for filing please find the signed protective order for the Town of Windsor.

Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

COUGHLIN & GERHART, LLP

Brady L. Begeal
Partner

BLB/cmh
Enclosure

cc: Party List (via DMM)

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 16-F-0559 - Application of Bluestone Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Bluestone Wind Farm Project Located in the Towns of Windsor and Sanford, Broome County.

PROTECTIVE ORDER - EXHIBIT 2
STATE AGENCY OR MUNICIPALITY AGREEMENT

On behalf of: Town of Windsor
(Name of Party, hereafter referred to as the "State Agency or Municipality")

I acknowledge receipt of a copy of the Protective Order adopted in a ruling issued March 26, 2019, in the above-captioned proceeding and affirm that I have read and understand its terms and provisions.

The State Agency or Municipality acknowledges that certain information to which it will be given access is Protected Information (as defined in the Protective Order) and that the use or disclosure of that Protected Information, other than as permitted by the Protective Order, may cause substantial commercial harm to a Providing Party.

The State Agency or Municipality acknowledges that (a) it is granted access to Protected Information only by virtue of its party status in this proceeding and (b) the Protective Order governs the treatment of Protected Information by all parties, including the State Agency or Municipality. The State Agency or Municipality agrees that any substantive determination of the confidential status of Protected Information pursuant to Article 6 of the Public Officers Law (the Freedom of Information Law (FOIL)) will be made by the Department of Public Service (DPS). The Presiding Examiners will make the determination in the first instance. The State Agency or Municipality agrees that it will maintain as confidential all Protected Information until, at a minimum, 15 days after a Providing Party's claim has been finally denied by the DPS in this proceeding.

State Agency Parties or Municipality Parties are subject to FOIL. As such, the State Agency or Municipality agrees that:

1. Where a FOIL request is received by the State Agency or Municipality seeking Protected Information obtained through that Agency's or Municipality's participation in this proceeding, and where the Presiding Examiners have not made a substantive determination regarding the Protected Information's status as confidential, the records shall not be disclosed by the State Agency or Municipality. The State Agency or Municipality shall deny the request for disclosure, citing to the Protective Order. The State Agency or Municipality may refer the requestor to DPS for a substantive determination.
2. Where any FOIL request is received by the State Agency or Municipality for Protected Information obtained by that State Agency or Municipality through its participation in this proceeding and the Presiding Examiners, or DPS on appeal from the Presiding Examiners, has granted the information confidential status, the State Agency or Municipality shall deny the request for disclosure, citing to the Examiners' or DPS's determination and the Protective Order.
3. Any appeal of an initial denial of disclosure under FOIL that is received by the State Agency or Municipality shall be denied on the same basis as the initial denial. Where no substantive determination as to the confidentiality of the Protected Information has been made by the Presiding Examiners, the State Agency or Municipality may refer the requestor to DPS for a substantive determination.
4. Where the Presiding Examiners have made a substantive determination that the information alleged to be confidential should be made public because it is not exempt from public disclosure under FOIL, and any appeals from this determination are fully resolved, with the final decision in favor of public disclosure, the State Agency or Municipality may release the information in response to a FOIL request, citing the DPS determination.

I certify that I am an attorney for or an authorized representative of the State Agency or Municipality identified above and have full authority to execute this document on its behalf.

NAME AND TITLE (PRINTED): Carolyn Price, Town Supervisor

SIGNATURE: Carolyn Price

DATE: 4/9/19 TELEPHONE: 607-655-2026

I certify that I am the Records Access Officer/Appeals Officer (circle one) of the State Agency or Municipality identified above and have full authority to execute this document on its behalf.

NAME (Printed): Barbara Rajni Miller

TITLE (circled) RECORDS ACCESS OFFICER OF APPEALS OFFICER

SIGNATURE: Barbara Rajni Miller

DATE: _____ TELEPHONE: 607-655-2023

The State Agency or Municipality named above elects (check one):

- To receive all Protected Information as soon as it is made available pursuant to the Protective Order.
- To receive notice of the availability of Protected Information.