

December 12, 2025

Michelle Zaludek, Esq.
Records Access Officer
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223

Re: Matter 13-00205 - Central Hudson's Request for Confidential Treatment of its Standardized Interconnection Requirements Inventory Report (November 30, 2025)

Dear Ms. Zaludek:

Central Hudson Gas & Electric Corporation ("Central Hudson") is submitting the attached protected material in Matter Number 13-00205 referenced above, which contains trade secret/confidential commercial information and customer-specific information and is therefore protected material.

Specifically, the protected material contains a non-redacted copy of the Standardized Interconnection Requirements Inventory for all projects interconnected, in queue, and withdrawn as of November 30, 2025, and applications submitted during the period of November 1, 2025 – November 30, 2025.

Central Hudson seeks confidential treatment of the protected material pursuant to 16 NYCRR Parts 6-1 and 6-2, where applicable, as detailed below.

I. Trade Secrets, Records Submitted by a Commercial Enterprise and Records Derived from Information Obtained from a Commercial Enterprise

The protected material constitutes a trade secret pursuant to Section 87 of the Public Officers Law and Part 6-1 of the Regulations. That request is supported by Section 87, as well as the decisions in *Verizon New York Inc. v. New York State Public Service Com'n*, 23 N.Y.S.3d 446 (2016), *New York Telephone Company v. Public Service Commission*, 58 N.Y.2d 213 (1982) and *Matter of Encore College Bookstores, Inc. v. Auxiliary Services Corporation of the State University of New York at Farmingdale*, 87 N.Y.2d 410 (1995).

Section 87 provides an exception from public disclosure for records that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause

substantial injury to the competitive position of the subject enterprise.” N.Y. Public Officers Law § 87.2(d) (McKinney 2014). The protected material is information submitted to the New York State Public Service Commission (“Commission”), a state agency, by Central Hudson, a commercial enterprise, which if disclosed would cause substantial injury to Central Hudson, its vendors, consultants, and customers.

Disclosure would harm Central Hudson by impairing its ability to protect its confidential information, including trade secret and commercial enterprise information and the proprietary information of its vendors, consultants, and customers. The Commission promulgated Part 6-1 of the Regulations to further define what constitutes a trade secret or confidential commercial information. Section 6-1.3(b)(2) of the Regulations contains the factors the Commission will consider in determining trade secret and/or confidential commercial information status.¹

The Court of Appeals has considered what constitutes trade secret material and has determined that information is trade secret if it is “any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.”² The Court held that once information is determined to be trade secret the inquiry ends and no additional inquiry is required.³

Similarly, exemption in the Public Officers Law Section 87(2)(d) is triggered when public disclosure of the trade material would “cause substantial harm to the competitive position of the person from whom the information was obtained.”⁴ The Court determined that the party seeking confidential commercial information protection need not establish actual competitive harm; “rather, actual competition and the likelihood of substantial competitive injury is all that need be shown.” In determining whether substantial harm

¹ The factors are: i) the extent to which the disclosure would cause unfair economic or competitive damage; ii) the extent to which the information is known by others and can involve similar activities; iii) the worth or value of the information to the person and the person's competitors; iv) the degree of difficulty and cost of developing or duplicating the information by others without the person's consent; and v) other statute(s) or regulations specifically excepting the information from disclosure. 16 N.Y.C.R.R. § 6-1.3(b)(2).

² *Verizon New York Inc. v. New York State Public Service Com'n*, 23 N.Y.S.3d 446 (2016) (referring to *Verizon New York Inc. v. New York State Public Service Com'n*, 46 Misc.3d 858 (2014)).

³ *Id.*

⁴ *Encore College Bookstores, Inc. v. Auxiliary Services Corporation of the State University of New York at Farmingdale*, 87 N.Y.2d 410 (1995).

exists, the Court determined that the existence of substantial competitive harm depends on the “commercial value of the requested information to competitors and the cost of acquiring it through other means.” The Court concluded, “where FOIA disclosure is the sole means by which competitors can obtain the requested information, the inquiry ends here.”

The protected material falls within the definitions of trade secret and confidential commercial material. The information concerns protected material that would damage vendors because their competitive pricing and other proprietary information would be made public. None of the information is publicly available. If the information is disclosed it would provide others with a competitive advantage to the detriment of Central Hudson, and, ultimately, its customers.

II. Customer Information and/or Personal Privacy Information

The protected material consists, in part, of customer information. Part 6-2 of the Commission’s rules permits the protection of data collected by the Commission and consisting of the “name, number, symbol, mark or other identifier, [that] can be used to identify that data subject.” 16 CRR-NY 6-2.2(b). The information that Central Hudson seeks to protect includes the type of data that may be used to identify the “data subject.”

In Case 07-M-0548, in the Commission’s Order on Rehearing Granting Petition for Rehearing Issued and Effective December 3, 2010, the Commission recognized that the “[p]rotection of consumer information is a basic tenet of the Public Service Law and our policies. Order on Rehearing at 17. The Commission instituted measures to protect customer privacy as part of that Order. Consistent with the Commission’s Order in Case 07-M-0548, in Case 12-M-0192, in its Order Authorizing Acquisition Subject to Conditions Issued and Effective June 26, 2013, the Commission required Central Hudson to protect consumer information. Order at Attachment 1 at 4-6. The Commission instituted measures to protect customer privacy as part of that Order. Central Hudson, therefore, requests that the Commission protect from disclosure the customer information and personal privacy information.

The Commission is empowered to exempt from public disclosure material that is customer information. The Company, for the reasons stated above, respectfully requests that the protected material be deemed confidential material exempt from public disclosure under Public Officers Law Section 87 and, where applicable, Parts 6-1 and 6-2 of the Commission’s Regulations.

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Please contact the undersigned at (845) 486-5505 or dbarton@cenhud.com with any questions regarding this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diana Barton".

Diana Barton
Engineering Associate
Distribute Energy Resources (DER)

Attachments - Central Hudson Standardized Interconnection Requirements Inventory Report as of November 30, 2025.