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January 19, 2011

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17105-3265

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Re: Petition of UGI Utilities, Inc. Electric Division for Approval of its Energy Efficiency and Conservation Plan; Docket No. M-2010-2210316; **MOTION FOR PROTECTIVE ORDER**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the original and three (3) copies of the Motion of UGI Utilities, Inc. Electric Division ("UGI Electric") for Protective Order and the Proposed Protective Order in the above-captioned proceeding.

UGI Electric has been authorized by Counsel for the Commission's Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Sustainable Energy Fund of Central Eastern Pennsylvania to state that they do not oppose this Motion. Accordingly, UGI Electric respectfully requests that the Presiding Officer dispense with the time for filing answers to the Motion and issue the attached Protective Order as soon as practicable. UGI Electric has served a copy of this motion on the Presiding Officer, Administrative Law Judge Susan D. Celwell.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,



Tori L. Giesler

TLG/das

Enclosures

cc: Per Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF UGI UTILITIES, INC. :  
ELECTRIC DIVISION FOR APPROVAL :  
OF ITS ENERGY EFFICIENCY AND :  
CONSERVATION PLAN :

Docket No. M-2010-2210316

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MOTION FOR PROTECTIVE ORDER

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TO THE HONORABLE SUSAN D. COLWELL:

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UGI Utilities, Inc. Electric Division (“UGI Electric”), by its counsel, hereby moves Your Honor to enter a Protective Order in this proceeding pursuant to the provisions of 52 Pa. Code § 5.423(a), and in support thereof represents as follows:

1. On November 9, 2010, UGI Electric filed a Petition seeking approval of its voluntary Energy Efficiency and Conservation Plan (“EE&C Plan”).
2. Proprietary information may be sought in discovery and presented in exhibits in this proceeding. Such information could include commercially-sensitive and/or proprietary data.
3. Proprietary treatment, provided in the attached proposed Protective Order, will prevent unnecessary public disclosure of information and data deemed proprietary by the producing party, and thereby facilitate the free flow of information in discovery while preserving the ability of any party to challenge the designation of particular information as proprietary. The proposed Protective Order applies the least restrictive means of limitation that will provide the necessary protections from disclosure.

4. UGI Electric has been authorized by Counsel for the Commission's Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Sustainable Energy Fund of Central Eastern Pennsylvania to state that they do not oppose this Motion. Accordingly, UGI Electric respectfully requests that the Presiding Officer dispense with the time for filing answers to the Motion and issue the attached Protective Order as soon as practicable.

WHEREFORE, for all the reasons set forth above, UGI Electric, with the concurrence of the participants in this proceeding, respectfully requests Your Honor to issue the attached proposed Protective Order.

Respectfully submitted,



Kevin J. McKeon  
Tori L. Giesler  
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Counsel for UGI Utilities, Inc. Electric Division

DATED: January 19, 2011

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PETITION OF UGI UTILITIES, INC. :  
ELECTRIC DIVISION FOR APPROVAL :  
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CONSERVATION PLAN :  
:

Docket No. M-2010-2210316

**PROTECTIVE ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, upon consideration of the Motion of UGI Utilities, Inc. – Electric Division (“UGI Electric”) for a Protective Order, such Motion is hereby granted. Therefore, it is

ORDERED that

1. This Protective Order is hereby issued with respect to all materials and information identified in Paragraph 2 of this Protective Order which are filed with the Commission, produced in discovery, or otherwise presented for the record during these proceedings. All persons now and hereafter granted access to the materials and information identified in Paragraph 2 of this Protective Order shall use and disclose such information only in accordance with this Order.

2. The materials and information subject to this Order (hereafter, “Proprietary Information”) consist of all information, data, exhibits, schedules identified by the producing party as “Confidential.” Where only part of data compilations or multi-page documents constitutes or contains Proprietary Information, the disclosing party, insofar as reasonably practicable within discovery and other time constraints imposed in this proceeding, shall designate only the specific data or pages of documents which constitute or contain Proprietary Information. One permissible means of designating portions of a statement or exhibit to be Proprietary Information shall be to stamp the words “Proprietary” or “Confidential” thereon.

3. Proprietary Information may be made available to the Commission and its Advisory Staff for use in this proceeding. For purposes of filing, to the extent that Proprietary Information is placed in the Commission's report folders, such information shall be handled in accordance with routine Commission procedures in as much as the report folders are not subject to public disclosure. To the extent that Proprietary Information is placed in the Commission's testimony or document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Order. Public inspection of Proprietary Information shall be permitted only in accordance with this Protective Order.

4. Proprietary Information shall be made available to counsel of record in this proceeding. And such information shall be used only for purposes of preparing or presenting evidence, cross examination or argument.

5. Prior to making Proprietary Information available to any employee, agent or contractor of a participant in this proceeding ("Participant"), counsel for Participant shall provide a copy of this Protective Order to the employee, agent or contractor, and, except for employees of the Office of Trial Staff, the employee, agent or contractor shall execute a written acknowledgment in the form attached as Appendix A hereto. Upon request, Participant shall provide UGI Electric with a list of Participant employees, agents or contractors who have signed the above-referenced acknowledgment. The employees of the Office of Trial Staff provided a copy of this Protective Order and bound by its provisions will be those technical staff expert witnesses listed in the OTS Prehearing Memorandum and technical staff supervisor(s).

6. No other persons may have access to the Proprietary Information except as authorized by order of the Commission or of the presiding Administrative Law Judge. No person who may be entitled to receive, or who is afforded access to any Proprietary Information shall use or

disclose such information for the purposes of business or competition, or any purpose other than the preparation for and conduct of this proceeding or any administrative or judicial review thereof.

7. Any public reference to Proprietary Information by counsel or person afforded access thereto shall be only to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to fully understand the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

8. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination, argument and responses to discovery, and including reference thereto as mentioned in ordering Paragraph 7 above, shall be sealed for all purposes, including administrative and judicial review, unless and until such Proprietary Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to order of the Administrative Law Judge or of the Commission. Unresolved challenges arising under Paragraph 9 shall be decided on motion or petition by the presiding officer or the Commission. All such challenges will be resolved in conformity with existing rules, regulations, orders, statutes, precedent, etc., to the extent that such guidance is available.

9. The parties affected by the terms of this Order shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information; to question or challenge the admissibility of Proprietary Information; to refuse or object to the production of Proprietary Information on any proper ground, to seek an order permitting disclosure of Proprietary Information beyond that allowed in this Order; and to seek additional measures of

protection of Proprietary Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary, the party claiming that the information is Proprietary retains the burden of demonstrating that the designation is necessary and appropriate.

10. Upon the conclusion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, which contain any Proprietary Information shall be immediately returned upon request to the party furnishing such Proprietary Information. In the alternative, parties may provide an affidavit of counsel affirming that the materials containing or reflecting Proprietary Information have been destroyed.

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Susan D. Colwell  
Administrative Law Judge

Dated:

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF UGI UTILITIES, INC. :  
ELECTRIC DIVISION FOR APPROVAL :  
OF ITS ENERGY EFFICIENCY AND :  
CONSERVATION PLAN : Docket No. M-2010-2210316  
:

TO WHOM IT MAY CONCERN:

The undersigned is an employee, agent or contractor for the entity participating in the above-captioned proceeding ("Participant"). The undersigned has read and understands the Protective Order issued in the above-captioned proceeding, which Protective Order deals with the treatment of Proprietary Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Protective Order.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PARTICIPANT



**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving the foregoing document upon the persons named and in the manner indicated below which service satisfies the requirements of 52 Pa.Code § 1.54 (relating to service by a party).

**VIA ELECTRONIC AND FIRST CLASS MAIL**

The Honorable Susan D. Colwell  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
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Tori L. Giesler

Dated this 19<sup>th</sup> day of January, 2011.