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File #: 152314

February 12, 2013

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, et al. v. Columbia Gas of Pennsylvania, Inc. - Docket Nos. R-2012-2321748, et al.

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of Columbia Gas of Pennsylvania, Inc. for a Protective Order in the above-referenced proceeding. Copies will be provided to the persons as indicated on the Certificate of Service.

Respectfully submitted,



Andrew S. Tubbs

AST/jl
Enclosures

cc: Honorable Mark A. Hoyer
Honorable Jeffrey Watson
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL:

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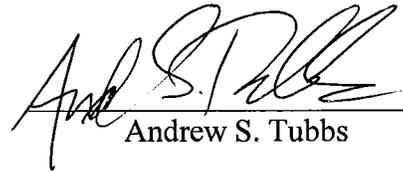
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VIA FIRST CLASS MAIL ONLY:

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Mount Pleasant, PA 15666

Date: February 12, 2013



Andrew S. Tubbs

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos.	R-2012-2321748
	:		M-2012-2323645
Office of Consumer Advocate	:		C-2012-2330240
Office of Small Business Advocate	:		C-2012-2330539
Anastasia Stratigos	:		C-2012-2330724
Louis and Joanne Quahliero	:		C-2012-2332087
Angela Burnett	:		C-2012-2332497
G. Thomas Smeltzer	:		C-2012-2333247
Michelle Swartz	:		C-2012-2328788
Columbia Industrial Intervenors	:		C-2012-2334026
Johanna Shigle	:		C-2012-2336033
	:		
v.	:		
	:		
Columbia Gas of Pennsylvania, Inc.	:		

**MOTION OF COLUMBIA GAS OF PENNSYLVANIA, INC.
FOR A PROTECTIVE ORDER**

TO ADMINISTRATIVE LAW JUDGES MARK A. HOYER AND JEFFREY WATSON:

Columbia Gas of Pennsylvania, Inc. (“Columbia”), by and through its attorneys, Post & Schell, P.C., hereby requests that the attached Protective Order be entered in the above-captioned proceeding pursuant to the provisions of 52 Pa. Code § 5.423(a). In support thereof, Columbia represents as follows:

1. On September 28, 2012, Columbia filed with the Pennsylvania Public Utility Commission (“Commission”) Supplement No. 190 to Tariff Gas Pa. P.U.C. No. 9 (“Supplement No. 190”) submitted, pursuant to 66 Pa.C.S. § 1308, along with all supporting exhibits, standard data responses and testimony required to be submitted in conjunction with a tariff change seeking a general rate increase. Supplement 190, issued September 28, 2012, to be effective

November 27, 2012, changes Columbia's base distribution rates, and removes, revises, and adds various tariff provisions, and was submitted in compliance with the Commission's regulations.

2. The proceeding has been assigned to Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Jeffrey Watson (the "ALJs") for hearings and issuance of a Recommended Decision.

3. A prehearing conference was held on December 3, 2012, at which time a litigation schedule was established.

4. The Parties to this proceeding have engaged in substantial formal and informal discovery prior to and following the prehearing conference.

5. Proprietary Information within the definition of 52 Pa. Code § 5.423 has been requested during the course of this proceeding, which justifies the issuance of a Protective Order. Specifically, on January 28, 2013, Columbia served Columbia Statement No. 104-R – the rebuttal testimony of Jeffery T. Gore. The rebuttal testimony of Columbia witness Gore has not been marked as confidential. However, attached to Columbia Statement No. 104-R is Exhibit JTG-R1 which contains confidential wage information. Therefore, treatment of such information as set forth in the attached proposed Protective Order is justified because unrestricted disclosure of such information would not be in the public interest. These considerations constitute cause for the restrictions specified in 52 Pa. Code § 5.423 and in Administrative Law Judge or Commission Orders granting relief pursuant to said regulation.

6. Under 52 Pa. Code §§ 5.362(a)(7) and 5.423, the Office of Administrative Law Judge or the Commission may issue a Protective Order to limit or prohibit disclosure of confidential commercial information where the potential harm to a participant would be substantial and outweighs the public's interest in having access to the confidential information. In applying this standard, relevant factors to be considered include: the extent to which

disclosure would cause unfair economic or competitive damage; the extent to which the information may already be known by others; and the potential value of such information to the participant and the participant's competitors and trade partners. 52 Pa. Code §§ 5.423(a)(1) – (3).

7. The attached proposed Protective Order defines “Confidential” information in Paragraph 3 of the attached proposed Protective Order as “those materials which customarily are treated by that Party as sensitive or proprietary, which are not available to the public, and which, if disclosed freely, would subject that Party or its clients to risk of competitive disadvantage or other business injury.” Clearly, protecting this type of information from disclosure is appropriate.

8. Limitation on the disclosure of “Confidential” information will not prejudice the rights of the participants, nor will such limitation frustrate the prompt and fair resolution of this proceeding. The proposed Protective Order balances the interests of the Parties, the public, and the Commission.

9. Columbia notes that it has entered into Stipulated Protective Agreements with a number of the Parties in this proceeding, including the Bureau of Investigation and Enforcement (“I&E”), Office of Consumer Advocate (“OCA”), Office of Small Business Advocate (“OSBA”), Columbia Industrial Intervenors (“CII”), Community Action Association of Pennsylvania (“CAAP”), The Pennsylvania State University (“PSU”) and Dominion Retail, Inc., Interstate Gas Supply, Inc. and Shipley Choice LLC (“NGS”). The Protective Order is substantially based upon the terms and conditions contained in the Stipulated Protective Agreements, as modified slightly to clarify the sharing of Proprietary Information with and by the Commission in Paragraph 5.

10. The attached proposed Protective Order will protect the confidential information while allowing the Parties to use such information for purposes of the instant litigation.

WHEREFORE, for all the foregoing reasons, Columbia Gas of Pennsylvania, Inc. requests that Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Jeffrey Watson grant this Motion and issue the attached Protective Order.

Respectfully submitted,



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Date: February 12, 2013

Attorneys for Columbia Gas of Pennsylvania, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	Docket Nos.	R-2012-2321748
	:		M-2012-2323645
Office of Consumer Advocate	:		C-2012-2330240
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Michelle Swartz	:		C-2012-2328788
Columbia Industrial Intervenors	:		C-2012-2334026
Johanna Shigle	:		C-2012-2336033
	:		
v.	:		
	:		
Columbia Gas of Pennsylvania, Inc.	:		

PROTECTIVE ORDER

Upon consideration of the Motion for a Protective Order that was filed by Columbia Gas of Pennsylvania, Inc. on February ___, 2013;

IT IS ORDERED THAT:

1. The Protective Order is hereby granted with respect to the material and information identified in Paragraphs 2 and 3 below, which have been or will be filed with the Commission, or otherwise presented during the above-captioned proceeding and all proceedings consolidated therewith. All persons previously or hereafter granted access to the materials and information identified in Ordering Paragraphs 2 and 3 of this Protective Order shall use and disclose such information only in accordance with this Protective Order.

2. The material or information subject to this Protective Order is Columbia Exhibit JTG-R1 attached to the January 28, 2013 rebuttal testimony of Jeffery T. Gore, Columbia Statement No. 104-R. The rebuttal testimony of Columbia witness Gore has not been marked as confidential. However, Exhibit JTG-R1 attached to Columbia Statement No. 104-R is

confidential as it contains wage information and has been designated by being stamped “CONFIDENTIAL” (hereinafter referred to as “Proprietary Information”). To the extent any additional Proprietary Information is filed with the Commission or presented in this proceeding, such information shall also be subject to this Protective Order.

3. “CONFIDENTIAL” materials are those materials that the Producing party customarily treats as sensitive or proprietary, which are not available to the public, and which, if disclosed freely, would subject that Party or its clients to risk of competitive disadvantage or other business injury.

4. Proprietary Information shall be made available to counsel for the non-producing Party, subject to the terms of this Protective Order. Such counsel shall use or disclose the Proprietary Information only for purposes of preparing or presenting evidence, cross examination or argument in this proceeding.

5. Proprietary Information produced in this proceeding shall be made available to the Commission and its Staff. 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 inasmuch 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 Protective Order. Public inspection of Protected Information shall be permitted only in accordance with this Protective Order.

6. The nonproducing Party will consider and treat the Proprietary Information as within the exemptions from disclosure provided in the Pennsylvania Right to Know Law, Act of

February 14, 2008, P.L. 6, 65 P.S. §§ 67.101-67.3104, effective January 1, 2009, until such time as the information is found to be non-proprietary.

7. Any public reference to Proprietary Information by a Party or its Reviewing Representative shall be 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, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Protective Order, either through the agreement of the Parties or pursuant to an order of the Administrative Law Judge, the Commission or appellate court.

9. The nonproducing Party shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information. If a nonproducing Party challenges the designation of a document or information as proprietary, the Party providing the information retains the burden of demonstrating that the designation is appropriate.

17. Each Party shall retain the right to question or challenge the admissibility of Proprietary Information; to object to the production of Proprietary Information on any proper ground; to refuse to produce Proprietary Information pending the adjudication of the objection; and to seek additional measures of protection of Proprietary Information beyond those provided in this Protective Order.

18. Within 30 days after a Commission final order is entered in the above-captioned proceeding, or in the event of appeals, within thirty days after appeals are finally decided, the

nonproducing Party, upon request, shall either destroy or return to the producing Party all copies of all documents and other materials not entered into the record, including notes, which contain any Proprietary Information. In the event that the nonproducing Party elects to destroy all copies of documents and other materials containing Proprietary Information instead of returning the copies of documents and other materials containing Proprietary Information to the producing Party, the nonproducing Party shall certify in writing to the producing Party that the Proprietary Information has been destroyed.

Dated: _____

Administrative Law Judge
Mark A. Hoyer

Administrative Law Judge
Jeffrey Watson