



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Michael W. Hassell

mhassell@postschell.com  
717-612-6029 Direct  
717-731-1985 Direct Fax  
File #: 154502

July 1, 2013

***VIA ELECTRONIC FILING***

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 v. Columbia Gas of Pennsylvania, Inc.  
Docket No. R-2013-2351073, C-2013-2354079 and C-2013-2354106**

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 as indicated on the Certificate of Service.

Respectfully submitted,

Michael W. Hassell

MWH/skr  
Attachment

cc: Honorable Joel H. Cheskis  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

Charles Daniel Shields, Senior Prosecutor  
Bureau of Investigation & Enforcement  
PO Box 3265  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17105-3265

Charis Mincavage, Esquire  
Elizabeth P. Trinkle, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
PO Box 1166  
Harrisburg, PA 17108-1166

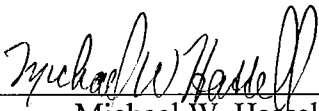
Erin L. Gannon, Esquire  
Aron J. Beatty, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place 5th Floor  
Harrisburg, PA 17101-1923

Ralph Miller  
5502 Western Avenue  
Chevy Chase, MD 20815  
*Consultant for OCA*

Elizabeth Rose Triscari, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 1102  
Harrisburg, PA 17101

Robert D. Knecht  
Industrial Economics Incorporated  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
*Consultant for OSBA*

Date: July 1, 2013

  
\_\_\_\_\_  
Michael W. Hassell

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Office of Consumer Advocate	:	
Office of Small Business Advocate	:	Docket Nos. R-2013-2351073
	:	C-2013-2354079
v.	:	C-2013-2354106
	:	
	:	
Columbia Gas of Pennsylvania, Inc.	:	

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

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**TO ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:**

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 February 28, 2013, Columbia filed with the Pennsylvania Public Utility Commission (“Commission”) the pre-filing data required under the Commission’s regulations concerning annual changes to rates for the recovery of purchased gas costs. That pre-filing data reflected a proposed decrease of \$0.00412/Therm from Columbia’s then-effective rate for recovery of purchased gas costs (“PGC”) to sales customers. On April 1, 2013, Columbia filed with the Commission Supplement No. 199 to Tariff Gas - Pa. P.U.C. No. 9, to become effective for service rendered on and after October 1, 2013. In Supplement No. 199, Columbia proposed a decrease in its rates for recovery of purchased gas costs of \$0.00412/Therm.

2. The proceeding has been assigned to Administrative Law Judge Joel H. Cheskis (the "ALJ") for hearings and issuance of a Recommended Decision.

3. A prehearing conference was held on April 15, 2013, at which time a litigation schedule was established.

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

5. Proprietary Information within the definition of 52 Pa. Code § 5.423 has been provided during the course of this proceeding, which justifies the issuance of a Protective Order. Specifically, on February 28, 2013, Columbia provided a detailed study of its Commission-approved hedging plan, which the Company had marked as confidential, and which contains confidential information about Columbia's market behavior. 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.

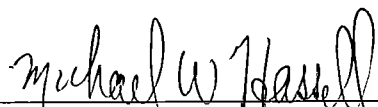
9. Columbia notes that it has entered into Stipulated Protective Agreements with a number of the Parties in this proceeding, including the Bureau of Investigation and Enforcement (“I&E”), Office of Consumer Advocate (“OCA”), and Office of Small Business Advocate (“OSBA”). The Protective Order is substantially 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. Given that the settlement petition to be filed at this instant docket provides that Columbia in its 2015 PGC pre-filing will file and provide all parties with its recommendation whether to resume its Gas Price Hedging Plan, establish some other hedging plan, or continue the suspension of gas price hedging, any party to this instant proceeding may subsequently seek to have the information subject to the present proposed Protective Order also entered into the proprietary record in said 2015 PGC proceeding in the event that the Company proposes resumption of

hedging, either under the provisions of the presently existing Plan or under some other hedging plan.

WHEREFORE, for all the foregoing reasons, Columbia Gas of Pennsylvania, Inc. requests that Administrative Law Judge Joel H. Cheskis grant this Motion and issue the attached Protective Order.

Respectfully submitted,



Theodore J. Gallagher (ID # 90842)  
Kimberly S. Cuccia (ID # 308216)  
Columbia Gas of Pennsylvania, Inc.  
121 Champion Way, Suite 100  
Canonsburg, PA 15317  
Phone: 724-416-6355  
Fax: 724-416-6384  
E-mail: [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)  
[kscuccia@nisource.com](mailto:kscuccia@nisource.com)

Michael W. Hassell (ID # 34851)  
Jessica R. Rogers (ID # 309842)  
Post & Schell, P.C.  
17 North Second Street  
12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [mhassell@postschell.com](mailto:mhassell@postschell.com)  
E-mail: [jrogers@postschell.com](mailto:jrogers@postschell.com)

Post & Schell, P.C.

Attorneys for Columbia Gas of Pennsylvania, Inc.

Date: July 1, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Office of Consumer Advocate	:	
Office of Small Business Advocate	:	Docket Nos. R-2013-2351073
	:	C-2013-2354079
v.	:	C-2013-2354106
	:	
	:	
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 June \_\_\_, 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's Confidential Hedging Program Study dated March 1, 2013. The Hedging Program Study is confidential as it contains sensitive market 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  
Joel H. Cheskis