

200 Brook Hollow Road  
Mount Pleasant, PA 15666

November 5, 2019

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

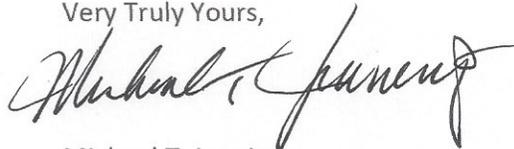
Re: Michael T. Jennings v. West Penn Power Company  
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Enclosed please find my signed Acknowledgment of Protective Order in the above-referenced matter. This document has been served on West Penn Power as shown in the Certificate of Service.

Please contact me if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Michael T. Jennings", with a stylized flourish at the end.

Michael T. Jennings

ssj  
Enclosures

CC: ALJ Watson  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Jennings	:	
	:	
v.	:	C-2018-3006031
	:	
West Penn Power Company	:	

**PROTECTIVE ORDER**

Upon the request of Michael Jennings (Complainant) for the entry of a Protective Order in this proceeding, and after consideration of the proposals submitted by the parties, the following protective order will be entered, as follows:

AND NOW THEREFORE,

IT IS ORDERED THAT:

1. That the Motion is hereby granted and this Protective Order is issued to establish procedures for the protection of all materials and information identified in Paragraphs 2 and 3 below, which are or will be filed with the Pennsylvania Public Utility Commission (“Commission”), produced in discovery, or otherwise presented during the above-captioned proceeding and all proceedings consolidated with it. All persons now or hereafter granted access to the materials and information identified in Paragraphs 2 and 3 of this Protective Order, including the Complainants and West Penn Power Company (the “Company”), shall use and disclose such information only in accordance with this Order.

2. The information subject to this Protective Order is all correspondence, documents, data, information, studies, methodologies and other materials, in whatever form produced, stored or contained, including computerized memory, magnetic, electronic or optical media, furnished in this proceeding that the producing party believes to be of a proprietary or

confidential nature and are so designated by being stamped “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” protected material. Such materials are referred to in this Protective Order as “Proprietary Information.” When a statement or exhibit is identified for the record, the portions thereof that constitute Proprietary Information shall be designated as such for the record.

3. For purposes of this Protective Order, there are two categories of Proprietary Information: “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL” protected material. A producing party may designate as “CONFIDENTIAL” those materials that are customarily treated by that party as sensitive or proprietary, that are not available to the public, and that, if generally disclosed, would subject that party to the risk of competitive disadvantage or other business injury. A producing party may designate as “HIGHLY CONFIDENTIAL” those materials that are of such a commercially sensitive nature, relative to the business interests of parties to this proceeding, or of such a private or personal nature, that the producing party is able to justify a heightened level of confidential protection with respect to those materials. The parties shall endeavor to limit the information designated as “HIGHLY CONFIDENTIAL” protected material.

4. Subject to the terms of this Protective Order, Proprietary Information shall be provided to counsel for a party who meets the criteria of a “Reviewing Representative” as set forth below. Such counsel shall use or disclose the Proprietary Information only for purposes of preparing or presenting evidence, testimony, cross-examination, argument, or settlement discussions in this proceeding. To the extent required for participation in this proceeding, such counsel may allow others to have access to Proprietary Information only in accordance with the conditions and limitations set forth in this Protective Order.

5. Nothing in this Protective Order precludes the use by the Commission and its staff, consistent with this Protective Order, of Proprietary Information produced in this proceeding and made part of the record.

6. Information deemed “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” protected material shall be provided to a “Reviewing Representative.” For

purposes of “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” protected material, a “Reviewing Representative” is a person who has signed a Non-Disclosure Certificate and is:

- i. An attorney who has formally entered an appearance in this proceeding on behalf of a party; or
- ii. An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph (i) above.

7. Reviewing Representatives qualified to receive “HIGHLY CONFIDENTIAL” protected material may discuss HIGHLY CONFIDENTIAL protected material with their client or with the entity with which they are employed or associated, but may not share with, or permit the client or entity to review or have access to, the HIGHLY CONFIDENTIAL protected material.

8. Proprietary Information shall be treated by the parties and by the Reviewing Representative in accordance with the terms of this Protective Order, which are hereby expressly incorporated into the certificate that must be executed pursuant to Paragraph 9(a). Proprietary Information shall be used as necessary, for the conduct of this proceeding and for no other purpose. Proprietary Information shall not be disclosed in any manner to any person except a Reviewing Representative who is engaged in the conduct of this proceeding and who needs to know the information in order to carry out that person’s responsibilities in this proceeding.

9. (a) A Reviewing Representative shall not be permitted to inspect, participate in discussions regarding, or otherwise be permitted access to Proprietary Information pursuant to this Protective Order unless that Reviewing Representative has first executed a Non-Disclosure Certificate in the form provided in Appendix A, provided, however, that if an attorney or expert qualified as a Reviewing Representative has executed such a certificate, the paralegals, secretarial and clerical personnel under the attorney’s instruction, supervision or control need not do so. A copy of each executed Non-Disclosure Certificate shall be provided to counsel for the party asserting confidentiality prior to disclosure of any Proprietary Information to that Reviewing Representative.

(b) Attorneys and outside experts qualified as Reviewing Representatives are responsible for ensuring that persons under their supervision or control comply with this Protective Order.

10. The parties shall designate data or documents as constituting or containing Proprietary Information by stamping the documents “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” protected material. Where only part of data compilations or multi-page documents constitutes or contains Proprietary Information, the parties, 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.

11. The Commission and all parties will consider and treat the Proprietary Information as within the definition of “confidential proprietary information” in Section 102 of the Pennsylvania Right-to-Know Law of 2008, 65 P.S. § 67.102 and subject to the exemptions from disclosure provided in the Pennsylvania Right-to-Know Act (65 P.S. § 67.101 et seq.) until such information is found by a tribunal with jurisdiction to be not confidential or subject to one or more exemptions.

12. 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 understand fully 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.

13. The part(s) of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits (including discovery responses made part of the record), writings, testimony, cross examination, and argument, and including reference thereto as mentioned in Paragraph 12 above, 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 to this proceeding or pursuant to an order of the Commission.

14. The parties shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information and to question or challenge the admissibility of Proprietary Information. If a party challenges the designation of a document or information as proprietary, the producing party retains the burden of demonstrating that the designation is appropriate.

15. The parties shall retain the right 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.

16. Within 30 days after a Commission final order is entered in the above-captioned proceedings, or in the event of appeals, within thirty days after appeals are finally decided, the receiving 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 a receiving 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, upon request, the receiving party shall certify in writing to the producing party that the Proprietary Information has been destroyed.

Date: October 24, 2019

\_\_\_\_\_/s/  
Jeffrey A. Watson  
Administrative Law Judge

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael Jennings

v.

West Penn Power Company

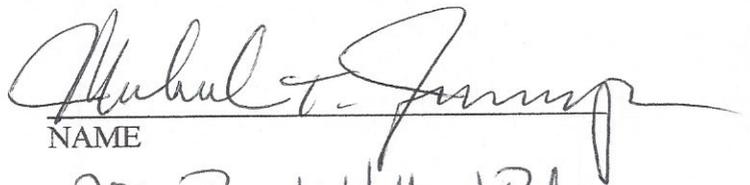
:  
:  
:  
:  
:

C-2018-3006031

ACKNOWLEDGMENT OF PROTECTIVE ORDER

TO WHOM IT MAY CONCERN:

The undersigned, Michael T. Jennings (NAME) is  
Complainant (TITLE), in the Proceeding as defined in the Protective Order. The  
undersigned has read and understands the Protective Order granted in the Proceeding, which  
Protective Order deals with the treatment of Confidential Information. The undersigned agrees to  
be bound by, and comply with, the terms and conditions of said Protective Order.



NAME

200 Brook Hollow Rd.

Mt. Pleasant, PA 15660

ADDRESS

Complainant

EMPLOYER

DATE: 11-5-19

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael Jennings

v.

West Penn Power Company

:  
:  
:  
:  
:

C-2018-3006031

ACKNOWLEDGMENT OF PROTECTIVE ORDER

TO WHOM IT MAY CONCERN:

The undersigned, Susan M. Jennings (NAME) is  
Complainant's Wife (TITLE), in the Proceeding as defined in the Protective Order. The undersigned has read and understands the Protective Order granted in the Proceeding, which Protective Order deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Protective Order.

Susan M. Jennings  
NAME  
200 Brook Hollow Road  
Int. Pleasant, PA 15266  
ADDRESS  
Complainant's Wife  
EMPLOYER

DATE: 11-5-19

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael Jennings

v.

West Penn Power Company

:  
:  
:  
:  
:

C-2018-3006031

ACKNOWLEDGMENT OF PROTECTIVE ORDER

TO WHOM IT MAY CONCERN:

The undersigned, McKenzie S. Jennings (NAME) is  
Complainant's son (TITLE), in the Proceeding as defined in the Protective Order. The undersigned has read and understands the Protective Order granted in the Proceeding, which Protective Order deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Protective Order.

Susan M. Jennings, POA  
NAME  
for McKenzie S. Jennings  
200 Brook Hollow Rd.  
ADDRESS  
Mt. Pleasant PA 15766  
EMPLOYER

DATE: 11-5-19

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>MICHAEL T. JENNINGS</b>	:	
Complainant	:	
	:	
v.	:	<b>Docket No. C-2018-3006031</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of my signed Acknowledgement of Protective Order upon the individuals listed below, in accordance with the requirement of 52 Pa. Code § 1.54 (relating to service by a participant.)

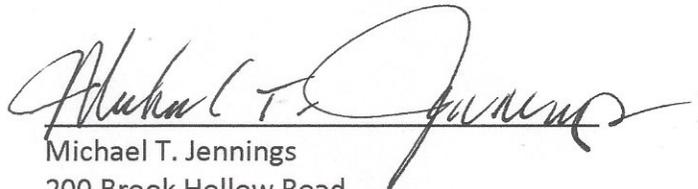
Service by e-filing and e-mail, as follows:

Lauren Lepkoski  
Tori Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Service by e-filing and first-class mail:

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222

Dated: November 5, 2019



Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
724-600-9338  
Lilmac2@zoominternet.net

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS  
Complainant

v.

WEST PENN POWER COMPANY  
Respondent

:  
:  
:  
:  
:  
:  
:

Docket No. C-2018-3006031

VERIFICATION

I, Michael T. Jennings, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904.

11-5-19

Date

  
Michael T. Jennings