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September 25, 2019

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor (filing room)  
PO Box 3265  
Harrisburg, PA 17105-3265

RE: Application of US Grid Energy, LLC d/b/a US Grid Wholesale  
Docket No. A-2019-\_\_\_\_\_ ; Application for Electric Generation  
Supplier License; **PETITION FOR PROTECTIVE ORDER**

Dear Secretary Chiavetta:

Attached for filing with the Commission please find US Grid Energy, LLC d/b/a US Grid Wholesale's Petition for Protective Order regarding its Application for Electric Generation Supplier License that is also being filed today. Copies will be provided as indicated on the Certificate of Service.

If you have any questions concerning this filing, please contact me.

Very truly yours,

Whitney E. Snyder

*Counsel for*  
*US Grid Energy, LLC d/b/a*  
*US Grid Wholesale*

FRONT DESK  
SECRETARY'S BUREAU  
PA 17101  
Attachment  
Per Certificate of Service  
2019 SEP 25 PM 12:59

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SEP 25 2019

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Application of US Grid Energy, LLC :  
dba US Grid Wholesale for EGS License : Docket No. A-2019-\_\_\_\_\_  
:

**PETITION APPLICATION OF US GRID ENERGY, LLC DBA US GRID WHOLESALE  
FOR EGS LICENSE FOR A PROTECTIVE ORDER GOVERNING PRODUCTION OF  
CONFIDENTIAL MATERIAL**

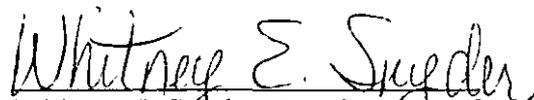
In accordance with 52 Pa. Code §5.365(b), US Grid Energy, LLC dba US Grid Wholesale (US Grid) hereby files this Petition for a Protective Order Governing Production of Confidential Material in the above nonadversarial proceeding. In support of this Petition, US Grid avers as follows:

1. With its Application for Electric Generation Supplier License, US Grid is filing or may file with the Commission non-public, proprietary or highly proprietary information and documents that contain sensitive information, including but not limited to information that is either specified as confidential or highly confidential by its terms or pertains to business practices, operations, financial matters, trade secrets, or future business plans that are commercially sensitive or that are ordinarily considered and treated as confidential by the producing party.
2. US Grid would be substantially harmed if this information were filed and/or provided to the Pennsylvania Public Utility Commission ("Commission") or the Commission's staff without restriction, because it could then potentially become public information available for review by actual or potential competitors of the parties. For example, if the material is not kept in a proprietary folder in the Secretary's office and, instead made public, then competitors of US Grid could obtain copies of such information to the detriment of the owner of such information. Also, information not marked

proprietary by the Commission or its staff could be publicly released in orders or other official documents available on the Commission's website. Given the highly sensitive nature of certain information, US Grid seeks to prevent such public disclosure.

3. US Grid believes that this proceeding will benefit from the adoption, at the earliest possible time, of the Protective Order attached as Exhibit A hereto to govern the treatment of proprietary materials. The Order would protect all proprietary materials from disclosure to the public.
4. The text of the Protective Order is substantially similar to other Protective Orders routinely issued by the Commission.
5. Pursuant to 52 Pa. Code §5.365(b), the Commission shall not disclose material that is the subject of a Petition for Protective Order under this provision during the pendency of a request. US Grid requests that all confidential or highly confidential information submitted in this case prior to this Petition, and at the same time as this Petition, be treated as confidential and not be disclosed.

Respectfully submitted,



Whitney E. Snyder, Esquire, A.D. # 316625  
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Dated: September 25, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of US Grid Energy, LLC :  
dba US Grid Wholesale for EGS License : Docket No. A-2019-\_\_\_\_\_  
:

**PROTECTIVE ORDER**

1. This Protective Order is hereby established for use in this proceeding with respect to all materials and information identified at Paragraph 2 of this Protective Order which are filed with the Pennsylvania Public Utility Commission (“Commission”), produced in discovery, whether informal or formal, or otherwise presented 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 subject to this Order are all written, recorded or graphic material, whether produced or created by a party or another person or entity, including but not limited to, correspondence, documents, data, information, studies, methodologies and other materials which a party or an affiliate of a party furnishes in this proceeding pursuant to Commission rules and regulations, discovery procedures or cross-examination or provides as a courtesy to Commission staff which are claimed to be of a proprietary or confidential nature and which are designated “PROPRIETARY” (hereinafter collectively referred to as “Proprietary Information”).

3. In addition, the parties may designate extremely sensitive Proprietary Information as “HIGHLY CONFIDENTIAL” (hereinafter referred to as “Highly Confidential Information”) and thus secure the additional protections set forth in this Order pertaining to such material. Such “HIGHLY CONFIDENTIAL” information shall be only such Proprietary Information that constitutes or describes the producing party's marketing plans, including, *inter alia*, costing and pricing aspects thereof, competitive strategies, market share projections, marketing materials that have not yet been used, network deployment, customer-identifying information, or customer prospects for services that are subject to competition.

4. Proprietary Information and Highly Confidential Information shall be made available to the Commission and its staff for use in this proceeding. For purposes of filing, to the extent that Proprietary Information and Highly Confidential 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 or Highly Confidential Information is placed in the Commission's testimony or document folders, such information shall be separately bound, conspicuously marked and sealed, and accompanied by a copy of this Order. Public inspection of Proprietary Information and Highly Confidential Information shall be permitted only in accordance with this Protective Order.

5. A producing party shall designate data or documents as constituting or containing Proprietary Information or Highly Confidential Information by affixing an appropriate proprietary or confidential stamp or typewritten or printed designation on such data or documents. Where only part of data compilations or multi-page documents constitutes or contains Proprietary Information or Highly Confidential Information, the producing party insofar as reasonably practicable, shall designate only the specific data or pages of documents which constitute or contain Proprietary Information or Highly Confidential Information.

6. Any federal agency which has access to and/or receives copies of the Proprietary Information or Highly Confidential Information will consider and treat the Proprietary Information or Highly Confidential Information as within the exemption from disclosure provided in the Freedom of Information Act as set forth at 5 U.S.C.A. §552(b)(4) until such time as the information is found to be non-proprietary.

7. Any state agency which has access to and/or receives copies of the Proprietary Information or Highly Confidential Information will consider and treat the Proprietary Information or Highly Confidential Information as within the exemption from disclosure provided in the Pennsylvania Right-to-Know Act as set forth at 65 P.S. §66.1(2) until such time as the information is found to be non-proprietary.

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

9. Parts of any record in this proceeding containing Proprietary Information or Highly Confidential Information, including but not limited to all exhibits, writings, testimony, cross-examination,

argument and responses to discovery, and including reference thereto as mentioned in number Paragraph 8 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information or Highly Confidential Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to order of the Commission.

10. The parties affected by the terms of this Order may refuse or object to the production of Proprietary Information or Highly Confidential Information on any proper ground, including but not limited to irrelevance, immateriality or undue burden; and may seek additional measures of protection of Proprietary Information or Highly Confidential Information beyond those provided in this Order.

11. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, which contain any Proprietary Information or Highly Confidential Information, shall be immediately returned upon request to the party furnishing such Proprietary Information or Highly Confidential Information.

Date:

\_\_\_\_\_

SEP 25 2019

**CERTIFICATE OF SERVICE**

**RECEIVED**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA FIRST CLASS U.S. MAIL**

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2 West  
Harrisburg, PA 17120

Office of Consumer Advocate  
5<sup>th</sup> Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading, PA 19612

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

Office of the Attorney General  
Bureau of Consumer Protection  
Strawberry Square, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

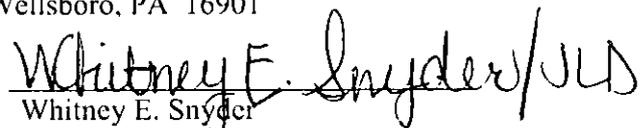
Vice President – Energy Supply  
Corning Natural Gas Holding Corp.  
330 West William Street  
Corning, NY 14830

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Office of General Counsel  
Attn: Kimberly A. Klock  
PPL  
Two North Ninth Street (GENTW3)  
Allentown, PA 18101-1179

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12<sup>th</sup> Street, Suite 360  
PO Box 12677  
Reading, PA 19612-2677

Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
PO Box 138  
Wellsboro, PA 16901

  
Whitney E. Snyder

Dated: September 25, 2019