

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Trustees of Conneaut)	
Lake Park, Inc. and Conneaut Lake Park)	
Water Corporation, Inc. under Section 1102(a))	Docket No. A-2022-3031711
of the Pennsylvania Public Utility Code, 66)	A-2022-3031712
Pa. C.S. § 1102(a))	

**MOTION FOR PROTECTIVE ORDER
REGARDING CONFIDENTIAL SECURITY INFORMATION
CONTAINED IN TOLBERT HEARING EXHIBIT B**

ON BEHALF OF
APPLICANTS

November 3, 2022

1. On March 31, 2022, the Trustees of Conneaut Lake Park, Inc. and the Conneaut Lake Park Water Corporation, Inc. filed a Joint Application for Issuance of Certificate of Public Convenience and Abandonment, thereby initiating the above captioned actions.

2. Prior to filing the Joint Application, counsel for the Joint Applicants reviewed 52 Pa.Code §102.3, *Filing Procedures* with respect to confidential security information, and contacted the PUC to discuss the filing process related to documents containing confidential security information.

3. Thereafter, contemporaneous with filing the Joint Application, on March 31, 2022, Joint Applicants mailed, via Federal Express, a cover letter identifying Exhibits B-1 and B-2 to the Joint Application as containing confidential security information and being exempt from disclosure under the Right to Know Law.

4. The March 31, 2022 letter to the Secretary of the PUC further enclosed Exhibits B-1 and B-2 to the Joint Application in an envelope marked “Confidential Security Information” and the exhibits were appropriately redacted, per 52 Pa.Code §102.3, in both the electronic filing as well as in all paper copies required to be served.

5. For purposes of the October 25, 2022 hearing, Exhibit B-2 was renumbered as Applicants’ Joint Exhibit 2, again being appropriately redacted at that time as confidential security information.

6. In preparation for a Hearing scheduled for October 25, 2022, the Joint Applicants submitted direct testimony on August 29, 2022. Thereafter, the Protestant, Mr. James Tolbert, submitted rebuttal testimony on September 28, 2022. Finally, the Joint Applicants submitted sur-rebuttal testimony on October 13, 2022.

7. 35 P.S. §2141.2 defined “confidential security information” as “[i]nformation contained within a record maintained by an agency in any form, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, public property or public utility facilities, including, but not limited to...(3) [a] plan, map or other drawing or data which shows the location or reveal location data on community drinking water wells and surface water intakes. ...”

8. Under 35 P.S. §§ 2141.3 and 2141.5, a record containing confidential security information should be identified to the agency receiving it and the agency shall not disclose such record.

9. Accompanying his written rebuttal to the testimony of James Becker, Tolbert attached a map identified as Exhibit B.

10. Tolbert’s Exhibit B, while admittedly noting that it was not field verified, purports to be a map of the Conneaut Lake Park water systems based on historic information and drawings available to the author of the map.

11. The map, among other things, identifies locations of wells, pump houses, water lines, and intakes.

12. Tolbert presented Exhibit B again during the Hearing on October 25, 2022, at which time the presiding Judges and counsel for the Joint Applicants raised the issue of the nature of Exhibit B and whether it should be protected from public disclosure.

13. The map depicted on Tolbert’s Exhibit B qualifies as confidential security information under 35 P.S. §2141.2.

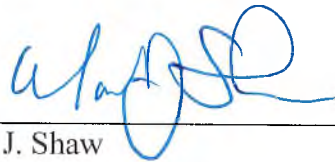
14. Pursuant to PUC regulations with respect to filing procedures for confidential security information, Tolbert's Exhibit B should have been redacted and filed in a sealed envelope with the Secretary of the PUC. 52 Pa.Code §102.3.

15. Tolbert's failure to comply with the filing procedures governing confidential security information exposes confidential information risking the security of the Conneaut Lake Park water system.

16. A Protective Order directing compliance with the PUC's regulations is necessary to protect the confidential security information contained in Tolbert's Exhibit B.

WHEREFORE, the Joint Applicants respectfully request that this Honorable Court enter a Protective Order here, sealing the record marked as Tolbert's Exhibit B and otherwise ordering compliance with the PUC regulations with respect to confidential security information.

Respectfully submitted,



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Attorneys for Joint Applicants

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PROTECTIVE ORDER

AND NOW, this ____ day of _____, 2022, the Trustees of Conneaut Lake Park, Inc.'s and the Conneaut Lake Park Water Corporation, Inc.'s joint Motion for Protective Order is hereby ENTERED and it is thereby ORDERED:

That the document identified as James Tolbert's Exhibit B, qualifying as confidential security information, shall be sealed and redacted, as required by Commission regulation 52 Pa.Code §102.3.

That pursuant to this PROTECTIVE ORDER and applicable Commission Regulations, Tolbert shall comply with all laws and regulations respecting confidential security information.

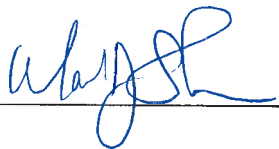
That this PROTECTIVE ORDER shall be continuing in nature with respect to Tolbert's Exhibit B or any other protected confidential security information previously or in the future referenced by the parties or introduced into the record.

The Honorable _____

CERTIFICATE OF SERVICE

I hereby certify that I have on this date November 3, 2022, served a true copy of the foregoing document(s) via EService upon the participants listed below.

Joel H. Cheskis Deputy Chief Administrative Law Judge <u>jcheskis@pa.gov</u>	Gail M. Chiodo Administrative Law Judge <u>gchiodo@pa.gov</u>
James Tolbert, Jr. <u>jtolbert@zoominternet.net</u>	

Signature:  _____
Name (printed): Mark J. Shaw _____
Title (printed): Attorney _____