**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|  |  |  |
| --- | --- | --- |
| Joint Application of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company for All of the Necessary Authority, Approvals, and Certificates of Public Convenience for (1) the Agreements and Plans of Merger; (2) the Establishment of FirstEnergy Pennsylvania Holding Company LLC as an Intermediate Holding Company in the Chain of Ownership of FirstEnergy Pennsylvania Electric Company; (3) the Merger of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company with and into FirstEnergy Pennsylvania Electric Company; (4) the Initiation by FirstEnergy Pennsylvania Electric Company of Electric Service in All Territories in this Commonwealth where Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company Do or May Provide Electric Service; (5) the Abandonment by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company of All Electric Service in this Commonwealth; (6) the Adoption by FirstEnergy Pennsylvania Electric Company of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company’s Existing Tariffs and their Application within New Service and Rate Districts of FirstEnergy Pennsylvania Electric Company Corresponding to their Existing Service Territories as the Met-Ed Rate District, Penelec Rate District, Penn Power Rate District, West Penn Rate District, and The Pennsylvania State University Rate District, Respectively; (7) the sale of Class B Membership Interests in Mid-Atlantic Interstate Transmission, LLC held by Met-Ed and Penelec to FirstEnergy Corp.; (8) the Contribution of West Penn Power Company’s Transmission Assets to Keystone Appalachian Transmission Company; (9) a Certificate of Public Convenience Conferring Upon Keystone Appalachian Transmission Company the Status of a Pennsylvania Public Utility; (10) Where Necessary, Associated Affiliated Interest Agreements; and (11) Any Other Approvals Necessary to Complete the Contemplated Transaction | **: : : : : : : : : : : :**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **: : : : : : : : : : : :**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:** | A-2023-3038771  A-2023-3038792  A-2023-3038793  A-2023-3038794  A-2023-3038795  A-2023-3038807  A-2023-3038808  G-2023-3038818  G-2023-3038819  G-2023-3038820  G-2023-3038821  G-00020956 |
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**ORDER**

**GRANTING JOINT APPLICANTS’**

**UNOPPOSED MOTION FOR PROTECTIVE ORDER**

**Background**

On August 9, 2023, Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), West Penn Power Company (West Penn), Keystone Appalachian Transmission Company (KATCo), Mid-Atlantic Interstate Transmission, LLC (MAIT) and FirstEnergy Pennsylvania Electric Company (FE PA) (collectively, Joint Applicants) filed a Motion for a Protective Order (Motion) in the above-captioned proceeding pursuant to the provisions of 52 Pa. Code §§ 5.362(a)(7) and 5.365(a).

The Joint Applicants aver that Confidential and Proprietary Information within the scope of 52 Pa. Code § 5.365 has been requested during this proceeding, which justifies the issuance of a Protective Order. Motion ¶ 26. The Joint Applicants request that such Proprietary Information be appropriately protected against public disclosure throughout the course of this proceeding. *Id.* The Joint Applicants submit Treatment of such information as set forth in the proposed Protective Order attached to the Motion is justified because unrestricted disclosure of such information is not in the public interest. *Id.* The Joint Applicants argue that these considerations constitute cause for the restrictions specified in 52 Pa. Code § 5.365 and in Administrative Law Judge (ALJ) or Commission Orders granting relief pursuant to said regulation. *Id.*

Additionally, the Joint Applicants aver that they have consulted with the active parties and intervenors in this proceeding and at the time of the filing of the Motion, no active party or intervenor has objected to the proposed Protective Order. Motion ¶ 33.

**Criteria for Protective Order**

Under 52 Pa.Code §§ 5.362(a)(7) and 5.365, the ALJ or the Commission may issue a Protective Order to limit or prohibit disclosure of confidential 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 following: 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 §§ 5.365(a)(1) – (3).

Proprietary and confidential information provided by a litigant during the proceedings before the Commission is generally highly valuable to the litigant and generally unknown to others; consequently, such Protective Orders are issued as standard practice to protect the confidentiality of the litigant’s information.

**Consideration of the Motion for Protective Order**

Upon due consideration the Motion for Protective Order filed in this proceeding by the Joint Applicants on August 9, 2023, representing that proprietary or confidential information has been requested during this proceeding, which justifies the issuance of a Protective Order and that the Motion is unopposed, the Motion will be granted in the ordering paragraphs below.

THEREFORE,

IT IS ORDERED THAT:

1. The Motion is hereby granted with respect to all materials and information identified in Paragraphs 2 – 3 below.
2. The information subject to this Protective Order is all correspondence, documents, data, information, studies, methodologies, and other materials, furnished in this proceeding, which are believed by the producing party to be of a proprietary or confidential nature, and which are so designated by being marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” Such materials will be collectively referred to below 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. The parties may designate as “CONFIDENTIAL” 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. The parties may designate as “HIGHLY CONFIDENTIAL” those information and materials that are of such a commercially sensitive nature among the parties or of such a private, 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 their designation of information and materials as Highly confidential. The parties agree that materials containing specific, individual customer information shall be identified as HIGHLY CONFIDENTIAL and that access to these materials may be further restricted by the producing party.
4. Proprietary Information shall be made available to counsel for a 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, argument, or settlement in this proceeding. To the extent required for participation in this proceeding, counsel for a party may afford access to Proprietary Information subject to the conditions set forth in this Protective Order.
5. Information and materials deemed as “CONFIDENTIAL”, shall be made available to a “Reviewing Representative” who is a person that has signed a Non-Disclosure Certificate attached as Appendix A or Appendix B, and who is:

(a) An attorney who has entered an appearance in this proceeding for a party or a statutory advocate pursuant to 52 Pa. Code § 1.8, if not an attorney;

(b) Attorneys, paralegals, and other employees associated for purposes of this case with an attorney described in subparagraph 5(a);

(c) An expert or an employee of an expert retained by a party for the purpose of advising, preparing for or testifying in this proceeding; or

(d) Employees or other representatives of a party appearing in this proceeding with significant responsibility for this docket.

With regard to the Bureau of Investigation and Enforcement (“I&E”), information and materials deemed as “CONFIDENTIAL” shall be made available to I&E Prosecutors subject to the terms of this Protective Order. The I&E Prosecutors shall use or disclose the CONFIDENTIAL information and materials only for purposes of preparing or presenting evidence, cross examination, argument, or settlement in this proceeding. To the extent required for participation in this proceeding, the I&E Prosecutors may afford access to CONFIDENTIAL information and materials only to I&E’s experts, supervisors of experts, Chief Prosecutor, Deputy Chief Prosecutor, and administrative support staff without the need for the execution of a Non-Disclosure Certificate, who are full-time employees of the Commission and bound by all the provisions of this Protective Order by virtue of the I&E Prosecutors’ execution of a Non-Disclosure Certificate(s).

1. Information and materials deemed as “HIGHLY CONFIDENTIAL”, may be provided to a “Reviewing Representative” who has signed a Non-Disclosure Certificate attached as Appendix B and who is:

(a) An attorney who has entered an appearance in this proceeding for a party or a statutory advocate pursuant to 52 Pa. Code § 1.8, if not an attorney;

(b) An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph 6(a);

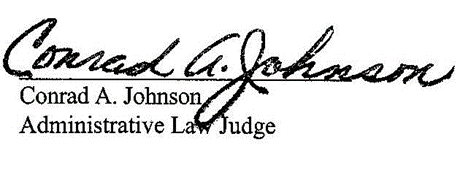
(c) An outside expert or an employee of an outside expert retained by a party for the purposes of advising, preparing for or testifying in this proceeding; or

(d) A person designated as a Reviewing Representative for purposes of Highly Confidential information and materials.

With regard to I&E, information and materials deemed as “HIGHLY CONFIDENTIAL” shall be made available to the I&E Prosecutors subject to the terms of this Protective Order. The I&E Prosecutors shall use or disclose the HIGHLY CONFIDENTIAL information and materials only for purposes of preparing or presenting evidence, cross examination, argument, or settlement in this proceeding. To the extent required for participation in this proceeding, the I&E Prosecutors may afford access to HIGHLY CONFIDENTIAL information and materials, only to I&E’s experts, supervisors of experts, Chief Prosecutor, Deputy Chief Prosecutor, and administrative support staff without the need for the execution of a Non-Disclosure Certificate, who are full-time employees of the Commission and bound by all the provisions of this Protective Order by virtue of the I&E Prosecutors’ execution of a Non-Disclosure Certificate(s).

Provided, further, that in accordance with the provisions of Sections 5.362 and 5.365(e) of the Commission’s Rules of Practice and Procedure, 52 Pa. Code §§ 5.362, 5.365(e), any party may, by subsequent objection or motion, seek further protection with respect to HIGHLY CONFIDENTIAL information and materials, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

1. For purposes of this Protective Order, a Reviewing Representative may not be a “Restricted Person.”
   * + - 1. A “Restricted Person” shall mean: (i) an officer, director, stockholder, partner, or owner of any competitor of the parties or an employee of such an entity if the employee’s duties involve marketing or pricing of the competitor’s products or services; (ii) an officer, director, stockholder, partner, or owner of any affiliate of a competitor of the parties (including any association of competitors of the parties) or an employee of such an entity if the employee’s duties involve marketing or pricing of the competitor's products or services; (iii) an officer, director, stockholder, owner or employee of a competitor of a customer of the parties if the Proprietary Information concerns a specific, identifiable customer of the parties; or (iv) an officer, director, stockholder, owner or employee of an affiliate of a competitor of a customer of the parties if the Proprietary Information concerns a specific, identifiable customer of the parties; provided, however, that no expert shall be disqualified on account of being a stockholder, partner, or owner unless that expert’s interest in the business would provide a significant motive for violation of the limitations of permissible use of the Proprietary Information. For purposes of this Protective Order, stocks, partnership or other ownership interests valued at more than $10,000 or constituting more than a 1% interest in a business establishes a significant motive for violation.
         2. If an expert for a party, another member of the expert’s firm or the expert’s firm generally also serves as an expert for, or as a consultant or advisor to, a Restricted Person, said expert must: (i) identify for the parties each Restricted Person and each expert or consultant; (ii) make reasonable attempts to segregate those personnel assisting in the expert’s participation in this proceeding from those personnel working on behalf of a Restricted Person; and (iii) if segregation of such personnel is impractical, the expert shall give to the producing party written assurances that the lack of segregation will in no way jeopardize the interests of the parties or their customers. The parties retain the right to challenge the adequacy of the written assurances that the parties’ or their customers’ interests will not be jeopardized. No other persons may have access to the Proprietary Information except as authorized by order of the Commission.
2. In the event that a party wishes to designate as a Reviewing Representative a person not described in Paragraphs 5(a)-(d) or 6(a)-(c), above, or a person that is a Restricted Person under Paragraph 7, the party shall seek agreement from the party providing the Proprietary Information. If an agreement is reached, that person shall be a Reviewing Representative with respect to those information and materials. If no agreement is reached, the party shall submit the disputed designation to the presiding Administrative Law Judges for resolution.
3. A qualified “Reviewing Representative” for “HIGHLY CONFIDENTIAL” information and materials may review and discuss “HIGHLY CONFIDENTIAL” information and materials with their client or with the entity with which they are employed or associated, to the extent that the client or entity is not a “Restricted Person,” but may not share with or permit the client or entity to review the “HIGHLY CONFIDENTIAL” information and materials. Such discussions must be general in nature and not disclose specific “HIGHLY CONFIDENTIAL” information and materials, provided however that counsel for I&E, the Office of Consumer Advocate (“OCA”), and the Office of Small Business Advocate (“OSBA”) may share proprietary information with the I&E Director, Consumer Advocate, Deputy Consumer Advocate, and Small Business Advocate, respectively, without obtaining a Non-Disclosure Certificate from these individuals, provided however, that these individuals otherwise abide by the terms of the Protective Order.
4. Information deemed Proprietary Information shall not be used except as necessary for the conduct of this proceeding, nor shall it 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. Reviewing Representatives may not use information contained in any Proprietary Information obtained through this proceeding to give any party or any competitor of any party a commercial advantage.
5. Reviewing Representatives shall execute a Non-Disclosure Certificate in order to obtain access to Proprietary Information and will be subject to the following conditions:
   * + - 1. 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, provided that if an attorney 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, nor do Commission employees assisting I&E as noted above in Paragraphs 5 and 6. A copy of each Non-Disclosure Certificate shall be provided to counsel for the Parties asserting confidentiality prior to disclosure of any Proprietary Information to that Reviewing Representative.
         2. Attorneys and outside experts qualified as Reviewing Representatives are responsible for ensuring that persons under their supervision or control comply with the Protective Order.
6. None of the parties waive their right to pursue any other legal or equitable remedies that may be available in the event of actual or anticipated disclosure of Proprietary Information.
7. The parties shall designate data or documents as constituting or containing Proprietary Information by marking the documents “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” 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 that constitute or contain Proprietary Information. The Proprietary Information shall be served upon the parties hereto only and the materials shall be separate from the nonproprietary materials and conspicuously marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” For filing purposes, Proprietary Information shall be filed separately from the nonproprietary materials and conspicuously marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.”
8. The parties will consider and treat the Proprietary Information as within the exemptions from disclosure provided in Section 335(d) of the Public Utility Code, 66 Pa.C.S. § 335(d), and the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101 *et seq.*, until such time as the information is found to be non-proprietary. In the event that any person or entity seeks to compel the disclosure of Proprietary Information, the non-producing party shall promptly notify the producing party in order to provide the producing party an opportunity to oppose or limit such disclosure.
9. Any public reference to Proprietary Information by a party or its Reviewing Representatives 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.
10. Part of any record of this proceeding containing Proprietary Information, including, but not limited to, all exhibits, writings, testimony, cross examination, arguments, and responses to discovery, and including reference thereto as mentioned in Paragraph 15 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.
11. 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 party providing the information retains the burden of demonstrating that the designation is appropriate.
12. The parties 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; and to refuse to produce Proprietary Information pending the adjudication of the objection.
13. Within 30 days after a Commission final order is entered in the above-captioned proceeding, or in the event of appeals, within 30 days after appeals are finally decided, the parties, upon request, shall either destroy or return to the parties 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 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 parties, the party shall certify in writing to the producing party that the Proprietary Information has been destroyed.



Dated: August 11, 2023

/s/

Emily I. DeVoe

Administrative Law Judge

**APPENDIX A**

|  |  |  |
| --- | --- | --- |
| Joint Application of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company for All of the Necessary Authority, Approvals, and Certificates of Public Convenience for (1) the Agreements and Plans of Merger; (2) the Establishment of FirstEnergy Pennsylvania Holding Company LLC as an Intermediate Holding Company in the Chain of Ownership of FirstEnergy Pennsylvania Electric Company; (3) the Merger of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company with and into FirstEnergy Pennsylvania Electric Company; (4) the Initiation by FirstEnergy Pennsylvania Electric Company of Electric Service in All Territories in this Commonwealth where Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company Do or May Provide Electric Service; (5) the Abandonment by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company of All Electric Service in this Commonwealth; (6) the Adoption by FirstEnergy Pennsylvania Electric Company of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company’s Existing Tariffs and their Application within New Service and Rate Districts of FirstEnergy Pennsylvania Electric Company Corresponding to their Existing Service Territories as the Met-Ed Rate District, Penelec Rate District, Penn Power Rate District, West Penn Rate District, and The Pennsylvania State University Rate District, Respectively; (7) the sale of Class B Membership Interests in Mid-Atlantic Interstate Transmission, LLC held by Met-Ed and Penelec to FirstEnergy Corp.; (8) the Contribution of West Penn Power Company’s Transmission Assets to Keystone Appalachian Transmission Company; (9) a Certificate of Public Convenience Conferring Upon Keystone Appalachian Transmission Company the Status of a Pennsylvania Public Utility; (10) Where Necessary, Associated Affiliated Interest Agreements; and (11) Any Other Approvals Necessary to Complete the Contemplated Transaction | **: : : : : : : : : : : :**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **: : : : : : : : : : : :**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:** | Docket Nos. A-2023-3038771  A-2023-3038792  A-2023-3038793  A-2023-3038794  A-2023-3038795  A-2023-3038807  A-2023-3038808  G-2023-3038818  G-2023-3038819  G-2023-3038820  G-2023-3038821  G-00020956 |

**NON-DISCLOSURE CERTIFICATE FOR**

**CONFIDENTIAL INFORMATION AND MATERIALS**

TO WHOM IT MAY CONCERN:

The undersigned is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the retaining party). The undersigned has read and understands the Protective Order and the required treatment of Proprietary Information. The undersigned agrees to be bound by and comply with the terms and conditions of said Protective Order.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE

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EMPLOYER

**APPENDIX B**

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| Joint Application of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company for All of the Necessary Authority, Approvals, and Certificates of Public Convenience for (1) the Agreements and Plans of Merger; (2) the Establishment of FirstEnergy Pennsylvania Holding Company LLC as an Intermediate Holding Company in the Chain of Ownership of FirstEnergy Pennsylvania Electric Company; (3) the Merger of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company with and into FirstEnergy Pennsylvania Electric Company; (4) the Initiation by FirstEnergy Pennsylvania Electric Company of Electric Service in All Territories in this Commonwealth where Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company Do or May Provide Electric Service; (5) the Abandonment by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company of All Electric Service in this Commonwealth; (6) the Adoption by FirstEnergy Pennsylvania Electric Company of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company’s Existing Tariffs and their Application within New Service and Rate Districts of FirstEnergy Pennsylvania Electric Company Corresponding to their Existing Service Territories as the Met-Ed Rate District, Penelec Rate District, Penn Power Rate District, West Penn Rate District, and The Pennsylvania State University Rate District, Respectively; (7) the sale of Class B Membership Interests in Mid-Atlantic Interstate Transmission, LLC held by Met-Ed and Penelec to FirstEnergy Corp.; (8) the Contribution of West Penn Power Company’s Transmission Assets to Keystone Appalachian Transmission Company; (9) a Certificate of Public Convenience Conferring Upon Keystone Appalachian Transmission Company the Status of a Pennsylvania Public Utility; (10) Where Necessary, Associated Affiliated Interest Agreements; and (11) Any Other Approvals Necessary to Complete the Contemplated Transaction | **: : : : : : : : : : : :**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **: : : : : : : : : : : :**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:**  **:** | Docket Nos. A-2023-3038771  A-2023-3038792  A-2023-3038793  A-2023-3038794  A-2023-3038795  A-2023-3038807  A-2023-3038808  G-2023-3038818  G-2023-3038819  G-2023-3038820  G-2023-3038821  G-00020956 |

**NON-DISCLOSURE CERTIFICATE FOR**

**HIGHLY CONFIDENTIAL INFORMATION**

TO WHOM IT MAY CONCERN:

The undersigned is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the retaining party). The undersigned has read and understands the Protective Order and the required treatment of information and materials designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL,” as defined in the Protective Order. The undersigned agrees to be bound by and comply with the terms and conditions of said Protective Order. The undersigned understands and agrees that pursuant to Paragraphs 6, 7, and 8, a party providing HIGHLY CONFIDENTIAL information and materials, may seek further protection, including, but not limited to, total prohibition of disclosure as to particular individuals, even where Appendix B has been executed.

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SIGNATURE

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NAME (Printed)

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EMPLOYER

**A-2023-3038771, A-2023-3038793, A-2023-3038794, A-2023-3038795, A-2023-8807, A-2023-3038808, G-2023-3038818, G-2023-3038819, G-2023-3038820, G-2023-8821, G-00020956 - JOINT APPLICATION OF METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, WEST PENN POWER COMPANY, KEYSTONE APPALACHIA TRANSMISSION COMPANY, MID-ATLANTIC INTERSTATE TRANSMISSION, LLC, AND FIRST ENERGY PENNSYLVANIA ELECTRIC COMPANY FOR ALL OF THE NECESSARY APPROVALS AND CERTIFICATES OF PUBLIC CONVENIENCE**

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