

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                                       |   |                |
|---------------------------------------|---|----------------|
| Petition of PPL Electric Utilities    | : |                |
| Corporation for Approval of a Default | : |                |
| Service Program and Procurement       | : | P-2024-3047290 |
| Plan for the Period from June 1, 2025 | : |                |
| through May 31, 2029 (DSP VI Program) | : |                |

**PROTECTIVE ORDER**

Upon consideration of the Motion for a Protective Order made by PPL Electric Utilities Corporation (PPL Electric) on May 7, 2024:

**IT IS ORDERED THAT:**

1. The Motion is hereby granted with respect to all materials and information identified in Paragraphs 2 and 3 below, which are or will be filed with the 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 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, 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 stamped “CONFIDENTIAL” or “HIGHLY

CONFIDENTIAL PROTECTED MATERIAL.” Such materials will be 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. This Protective Order applies to the following categories of materials: (A) 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; (B) the parties may designate as “HIGHLY CONFIDENTIAL PROTECTED MATERIAL” those 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. For example, but without limitation, “HIGHLY CONFIDENTIAL PROTECTED MATERIAL” may include confidential information submitted by a bidder in a Commission-approved competitive bid solicitation process. The parties shall endeavor to limit their designation of information as HIGHLY CONFIDENTIAL PROTECTED MATERIAL.

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, or argument 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 deemed as “CONFIDENTIAL”, shall be made available to a “Reviewing Representative” who is a person who has signed a Non-Disclosure Certificate and who is:

- (a) An attorney who has made an appearance in this proceeding for a party;
- (b) Attorneys, paralegals, and other employees associated for purposes of this case with an attorney described in Paragraph 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.

6. Information deemed as “HIGHLY CONFIDENTIAL PROTECTED MATERIAL,” may be provided to a “Reviewing Representative” who has signed a Non-Disclosure Certificate and who is:

- (a) An attorney for a statutory advocate pursuant to 52 Pa. Code §1.8 or a counsel who has made an appearance in this proceeding for a party;
- (b) An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in Paragraph 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 PROTECTED MATERIAL pursuant to Paragraph 10.

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 PROTECTED MATERIAL, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

7. For purposes of this Protective Order, a Reviewing Representative may not be a “Restricted Person.”

(a) 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; and (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.

(b) 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.

8. A qualified "Reviewing Representative" for "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" may review and discuss "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" 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 PROTECTED MATERIAL," provided however that counsel for the Office of Consumer Advocate, and Office of Small Business Advocate may share Proprietary Information with the Consumer Advocate and 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.

9. Proprietary Information shall be treated by the parties and by the Reviewing Representative in accordance with the certificate executed pursuant to Paragraph 11(a). 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.

10. 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. In the event that a Party wishes to designate as a Reviewing Representative a person not described in Paragraphs 5(a) through 5(d) or 6(a) through 6(c) above, the party shall seek agreement from the party providing the Proprietary Information. If an agreement is reached, that person shall be a Reviewing Representative pursuant to Paragraph 6(d) above with respect to those materials. If no agreement is reached, the party shall submit the disputed designation to the presiding Administrative Law Judge for resolution.

11. (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 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. A copy of each 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 the Protective Order.

12. 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.

13. 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. The Proprietary Information shall be served upon the parties hereto through a separate electronic folder with limited access and marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL PROTECTED MATERIAL.”

14. 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 Act, Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101 *et seq.*, until such time as the information is found to be non-proprietary.

15. 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.

16. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination, argument, 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.

17. 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.

18. 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.



19. 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 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 the 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 other Party that the Proprietary Information has been destroyed.

Date: May 16, 2024

/s/  
F. Joseph Brady  
Administrative Law Judge

**P-2024-3047290 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR  
APPROVAL OF A DEFAULT SERVICE PROGRAM FOR THE PERIOD OF  
JUNE 1, 2025 THROUGH MAY 31, 2029**

*Revised: May 13, 2024*

KIMBERLY A KLOCK ESQUIRE  
MICHAEL J SHAFER ESQUIRE  
PPL SERVICES CORPORATION  
2 NORTH 9TH ST  
ALLENTOWN PA 18101

**610.774.5696**

**610.774.2599**

[kklock@pplweb.com](mailto:kklock@pplweb.com)

[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Accepts eService

*(Counsel for PPL Electric Utilities  
Corporation)*

MICHAEL W HASSELL ESQUIRE  
DAVID B MACGREGOR ESQUIRE  
MEGAN E RULLI ESQUIRE  
POST & SCHELL PC  
17 NORTH SECOND STREET 12TH FL  
HARRISBURG PA 17101-1601

**717.612.6029**

**717.612.6012**

[mhassell@postschell.com](mailto:mhassell@postschell.com)

[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)

[mrulli@postschell.com](mailto:mrulli@postschell.com)

Accepts eService

*(Representing PPL Electric Utilities Corporation)*

CHRISTY APPLEBY ESQUIRE  
EMILY A FARREN ESQUIRE  
OFFICE OF CONSUMER ADVOCATE  
555 WALNUT STREET 5TH FLOOR  
FORUM PLACE  
HARRISBURG PA 17101

**717.783.5048**

[cappleby@paoca.org](mailto:cappleby@paoca.org)

Accepts eService

ELIZABETH R MARX ESQUIRE  
RIA PEREIRA ESQUIRE  
LAUREN BERMAN ESQUIRE  
PA UTILITY LAW PROJECT  
118 LOCUST STREET  
HARRISBURG PA 17101  
**717.236.9486**  
**717.710.3825**

[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)  
[lberman@pautilitylawproject.org](mailto:lberman@pautilitylawproject.org)

Accepts eService

ADEOLU A BAKARE ESQUIRE  
HARRISON RYAN BLOCK ESQUIRE  
MCNEES WALLACE & NURICK LLC  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108-1166  
**717.232.8000**  
**717.260.1744**

[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)

Accepts eService

*(Counsel to the PP&L Industrial Customer Alliance)*

SHARON WEBB ESQUIRE  
\*REBECCA LYTTLE ESQUIRE  
PA OFFICE OF SMALL BUSINESS ADVOCATE  
555 WALNUT STREET 1<sup>ST</sup> FLR  
FORUM PLACE  
HARRISBURGH PA 17101  
717.783.2525

[swebb@pa.gov](mailto:swebb@pa.gov)  
\*[relyttle@pa.gov](mailto:relyttle@pa.gov)

Accepts eService

KAREN O MOURY ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
213 MARKET STREET 8<sup>TH</sup> FLOOR  
HARRISBURG PA 17101  
**717.237.6036**

[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)

*(NRG Energy Inc)*

DEANNE ODELL ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
600 GRANT ST  
44<sup>TH</sup> FL  
PITTSBURGH PA 15219  
**412.566.2146**  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
(Retail Energy Supply Association)

CLIFFORD LEVINE ESQUIRE  
DENTONS COHENS & GRIGSBY  
625 LIBERTY AVENUE  
PITTSBURGH PA 15222  
(Shell Energy North America Us LP)

REBBECA E KENNEDY ESQUIRE  
DENTONS US LLP  
1900 K ST NW  
WASHINGTON DC 20006  
**610.564.1314**  
[rebecca.kennedy@dentons.com](mailto:rebecca.kennedy@dentons.com)  
(Shell Energy North America Us LP)

DAVID C BERGER ESQUIRE  
515 W HAMILTON ST  
ALLENTOWN PA 18101  
**484.765.2253**  
[dberger@norris-law.com](mailto:dberger@norris-law.com)  
(Representing Calpine Retail Holdings)

JOHN F LUSHIS JR ESQUIRE  
NORRIS MCLAUGHLIN P A  
515 W HAMILTON STREET  
SUITE 502  
ALLENTOWN PA 18101  
**610.391.1800**  
[jlushis@norris-law.com](mailto:jlushis@norris-law.com)  
(Representing Calpine Retail Holdings)  
Accepts eService

## **APPENDIX A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                                       |   |                |
|---------------------------------------|---|----------------|
| Petition of PPL Electric Utilities    | : |                |
| Corporation for Approval of a Default | : |                |
| Service Program and Procurement       | : | P-2024-3047290 |
| Plan for the Period from June 1, 2025 | : |                |
| through May 31, 2029 (DSP VI Program) | : |                |

**NON-DISCLOSURE CERTIFICATE FOR  
PROPRIETARY 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 deals with the treatment of Proprietary Information. The undersigned agrees to be bound by and comply with the terms and conditions of said Protective Order.

- ☐ The undersigned is eligible to receive confidential materials.
- ☐ The undersigned is eligible to receive highly confidential materials.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
ADDRESS

DATE: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYER