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File #: 205510

September 26, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of PPL Electric Utilities Corporation for Approval of its Second Distributed Energy Resources Management Plan
Docket No. P-2024-3049223**

Dear Secretary Chiavetta:

Attached for filing, please find PPL Electric Utilities Corporation's Motion for Protective Order in the above-referenced proceeding. Copies will be provided as indicated.

Respectfully submitted,



Megan E. Rulli

MER/skr
Attachment

cc: Administrative Law Judge John M. Coogan
Certificate of Service

CERTIFICATE OF SERVICE

(Docket No. P-2024-3049223)

I hereby certify that a true and correct copy of this filing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

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Date: September 26, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

MOTION FOR PROTECTIVE ORDER

TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby requests that Administrative Law Judge John M. Coogan (the “ALJ”) enter a Protective Order in this proceeding pursuant to the provisions of 52 Pa. Code § 5.365(a), and in support thereof represents as follows:

1. On May 20, 2024, PPL Electric filed a Petition requesting the Pennsylvania Public Utility Commission’s (“Commission”) approval of tariff modifications and other authorizations that are needed to implement PPL Electric’s Second Distributed Energy Resources (“DER”) Management Plan (“Second DER Management Plan” or the “Plan”), pursuant to Paragraph 62 of the Joint Petition for Settlement of All Issues approved by the Commission at Docket No. P-2019-3010128.

2. Proprietary Information within the definition of 52 Pa. Code § 5.365 has been requested during the course of this proceeding, which justifies the issuance of a Protective Order. For example, parties have sought information that is customarily treated as sensitive, proprietary, or highly confidential, including but not limited to information about individual customers’ addresses, market-sensitive data, and other information. Treatment of such information as set forth in the attached proposed Protective Order is justified because unrestricted disclosure of such information would not be in the public interest. These considerations constitute cause for

the restrictions specified in 52 Pa. Code § 5.365 and in Administrative Law Judge or Commission Orders granting relief pursuant to said regulation.

3. Under 52 Pa. Code §§ 5.362(a)(7) and 5.365, the Office of Administrative Law Judge or the Commission may issue a Protective Order to limit or prohibit disclosure of confidential commercial 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: (1) the extent to which disclosure would cause unfair economic or competitive damage; (2) the extent to which the information is known by others and used in similar activities; and (3) the worth or value of the information to the party and to the party's competitors. 52 Pa. Code § 5.365(a)(1)-(3).

4. The attached proposed Protective Order defines four categories of protected information. The first is "Confidential," which is defined in Paragraph 3 of the attached proposed Protective Order as "those materials which customarily are treated by that party as sensitive or proprietary, which are not available to the public, or which, if disclosed freely, would subject that party or others to risk of competitive disadvantage or other business injury." The second is "Highly Confidential," which is defined in Paragraph 4 of the attached proposed Protective Order as "those materials that are of such a commercially sensitive 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 third is "CONFIDENTIAL SECURITY INFORMATION," which is defined in Paragraph 5 of the attached proposed Protective Order as "those materials, as defined in Section 2 of Act 156 of 2006, P.L. 1425, No. 156, 35 P.S. § 2141.2 *et seq.*, The Public Utility Confidential Security Information Disclosure Protection Act, the disclosure of which creates a reasonable likelihood of endangering the

physical security of public utility resources, infrastructure, facility or information storage system; and information regarding computer hardware, software and networks, including administrative and technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.” The fourth is “CRITICAL ENERGY INFRASTRUCTURE INFORMATION,” which is defined in Paragraph 6 of the attached proposed Protective Order as it is defined in 18 C.F.R. § 388.113(c)(1).¹

5. Paragraph 29 of the attached proposed Protective Order protects against overly broad designations of protected information by giving all parties the right to question or challenge the confidential or proprietary nature of the “Confidential,” “Highly Confidential,” “CONFIDENTIAL SECURITY INFORMATION,” or “CRITICAL ENERGY INFRASTRUCTURE INFORMATION” information.

6. Limitation on the disclosure of “Confidential,” “Highly Confidential,” “CONFIDENTIAL SECURITY INFORMATION,” or “CRITICAL ENERGY INFRASTRUCTURE INFORMATION” information will not prejudice the rights of the participants, nor will such limitation frustrate the prompt and fair resolution of this proceeding. The proposed Protective Order balances the interests of the parties, the public, and the Commission.

7. The attached suggested Protective Order sought by PPL Electric will protect the proprietary nature of competitively valuable information while allowing the parties to use such

¹ 18 C.F.R. § 388.113(c)(2) defines “Critical Energy Infrastructure Information” as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) Relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) Could be useful to a person in planning an attack on critical infrastructure; (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552; and (iv) Does not simply give the general location of the critical infrastructure.” Moreover, 18 C.F.R. § 388.113(c)(4) defines “Critical Infrastructure” as “existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.”

information for purposes of the instant litigation. The proposed Protective Order applies the least restrictive means of limitation that will provide the necessary protections from disclosure.

8. Prior to filing this Motion, PPL Electric consulted with the other parties in this proceeding about the terms of the proposed Protective Order. The Company is authorized to represent that all parties either support or do not oppose the requested Protective Order.

WHEREFORE, for all the reasons set forth above, PPL Electric Utilities Corporation, with the concurrence of the other parties in this proceeding, respectfully requests that Your Honor issue the attached Protective Order.

Respectfully submitted,



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Dated: September 26, 2024

Attorneys for PPL Electric Utilities Corp.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

PROTECTIVE ORDER

Upon consideration of the Motion for a Protective Order that was filed by PPL Electric Utilities Corporation:

IT IS ORDERED THAT:

1. The Motion is hereby granted with respect to all materials and information identified in Paragraphs 3 through 6 below.

2. The materials subject to this Protective Order are 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,” “Highly Confidential,” “CONFIDENTIAL SECURITY INFORMATION,” or “CRITICAL ENERGY INFRASTRUCTURE INFORMATION.” Such materials will be referred to below as “Proprietary Information.”

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, or which, if disclosed freely, would subject that party or others to risk of competitive disadvantage or other business injury.

4. The parties may designate as “Highly Confidential” those materials that are of such a commercially sensitive 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” information may include Proprietary Information that constitutes or describes: (i) customer names or customer prospects’ names, addresses, annual volumes of electric usage, or other customer-identifying information; (ii) marketing plans; (iii) competitive strategies or service alternatives; (iv) market share projections; (v) competitive pricing or discounting information; (vi) marketing materials that have not yet been used; (vii) sensitive cybersecurity or infrastructure information; (viii) trade secrets; and (ix) any information that is otherwise protected under state or federal law and justifies a heightened level of confidential protection, except for “CONFIDENTIAL SECURITY INFORMATION” and “CRITICAL ENERGY INFRASTRUCTURE INFORMATION” that are addressed in Paragraphs 5 and 6, *infra*, respectively.

5. The parties may designate as “CONFIDENTIAL SECURITY INFORMATION” those materials, as defined in Section 2 of Act 156 of 2006, P.L. 1425, No. 156, 35 P.S. § 2141.2 *et seq.* “The Public Utility Confidential Security Information Disclosure Protection Act,” the disclosure of which creates a reasonable likelihood of endangering the physical security of public utility resources, infrastructure, facility or information storage system; and information regarding computer hardware, software and networks, including administrative and technical records, which, if disclosed, would be reasonably likely to jeopardize computer security. If the material contains CONFIDENTIAL SECURITY INFORMATION, the Parties producing such information shall mark on each page containing information the words “HIGHLY CONFIDENTIAL – CSI – Contains CONFIDENTIAL SECURITY INFORMATION – DO NOT RELEASE.”

6. The parties may designate materials containing critical energy infrastructure information (“CEII”), as defined in 18 C.F.R. § 388.113(c)(1),² as “CRITICAL ENERGY INFRASTRUCTURE INFORMATION.” If the material contains CEII, the parties producing such information shall mark on each page containing information the words “HIGHLY CONFIDENTIAL – CEII – Contains Critical Energy Infrastructure Information – DO NOT RELEASE.”

7. Proprietary Information shall be made available to counsel for the non-producing 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 or for settlement discussions in this proceeding. To the extent required for participation in this proceeding, counsel for a non-producing party may afford access to Proprietary Information subject to the conditions set forth herein.

8. Proprietary Information produced in this proceeding shall be made available to the Pennsylvania Public Utility Commission (“Commission”) and its Staff. For purposes of filing, to the extent that Proprietary 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 is placed in the Commission’s testimony or document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Protective

² 18 C.F.R. § 388.113(c)(2) defines “Critical Energy Infrastructure Information” as “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (i) Relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) Could be useful to a person in planning an attack on critical infrastructure; (iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552; and (iv) Does not simply give the general location of the critical infrastructure.” Moreover, 18 C.F.R. § 388.113(c)(4) defines “Critical Infrastructure” as “existing and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.”

Order. Public inspection of Protected Information shall be permitted only in accordance with this Protective Order.

9. “Confidential” information may be made available to a “Reviewing Representative” who is a person who has signed a Non-Disclosure Certificate in the form attached as **Appendix A** hereto and who is: (i) an attorney for one of the parties who has entered an appearance in this proceeding and who exercises no competitive decision-making authority on behalf of a party or party’s competitor; (ii) an attorney, paralegal, or other employee associated for purposes of this proceeding with an attorney described in subparagraph (i) and who exercises no competitive decision-making authority on behalf of a party or party’s competitor; (iii) an expert or an employee of an expert retained by a party for the purpose of advising, preparing for or testifying in this proceeding; (iv) an employee or other representative of a party with significant responsibility in this proceeding; or (v) a person mutually agreed upon in writing by the producing and non-producing parties.

10. Provided, however, that no Reviewing Representative may be a “Restricted Person,” absent agreement by the party providing the “Confidential” information. For the purpose of this Protective Order, “Restricted Person” shall mean: (i) an officer, director, stockholder, partner, or owner of any competitor of a party or an employee of such an entity if the employee’s duties involve marketing or pricing of the competitor’s products or services, and the Proprietary Information concerns competitively sensitive information; (ii) an officer, director, stockholder, partner, or owner of any affiliate of a competitor of a party (including any association of competitors of a party) or an employee of such an entity if the employee’s duties involve marketing or pricing of the competitor’s products or services, and the Proprietary Information concerns competitively sensitive information; (iii) an officer, director, stockholder,

owner or employee of a competitor of a customer of a party if the Proprietary Information concerns any specific, identifiable customer of a party; and (iv) an officer, director, stockholder, owner or employee of an affiliate of a competitor of a customer of a party if the Proprietary Information concerns a specific, identifiable customer of the party; 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 direct ownership interests (excluding ownership in mutual funds) valued at more than \$10,000 or constituting more than a one percent interest in a business establishes a significant motive for violation.

11. If an expert for a party to this Protective Order, another member of the expert's firm or the expert's firm also serves as an expert for, or as a consultant or advisor to, a Restricted Person, said expert must: (i) identify for the other party to this Protective Order each Restricted Person and each expert or consultant; and (ii) make reasonable attempts to fully segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a Restricted Person.

12. "Highly Confidential" information may be made available to a "Reviewing Representative" who has signed a Non-Disclosure Certificate in the form attached as **Appendix B** hereto and who is: (i) an attorney for one of the parties who has entered an appearance in this proceeding and who exercises no competitive decision-making authority on behalf of a party or party's competitor; (ii) an attorney, paralegal, or other employee associated for purposes of this proceeding with an attorney described in subparagraph (i) and who exercises no competitive decision-making authority on behalf of a party or party's competitor; (iii) 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 (iv) a person mutually agreed upon in writing by the producing and non-producing parties.

13. Provided, however, that a Reviewing Representative of Highly Confidential information shall not be a “Restricted Person” as defined in Paragraph 10, absent agreement of the party providing the “Highly Confidential” information, or include any employee or agent of a customer of a party subject to this Protective Order, a competitor of a party subject to this Protective Order, or a competitor of a customer of a party subject to this Protective Order whose duties include: (i) the marketing, sale, or purchase of electric power, electric transmission services, or distributed energy resources (“DERs”); (ii) management regarding or supervision of any employee whose duties include the marketing, sale, or purchase of electric power, electric transmission services, or DERs for a competitor of a party subject to this Protective Order or a customer of the party; (iii) consulting services for a competitor of a party subject to this Protective Order or a customer of the party regarding the marketing, sale or purchase of electric power, electric transmission services, or DERs; or (iv) responsibility regarding other strategic business activities in which use of market sensitive information could be reasonably expected to cause competitive harm to a party or to a customer of a party subject to this Protective Order.

14. Information and materials deemed as “CONFIDENTIAL SECURITY INFORMATION”, may be provided to a “Reviewing Representative” who has signed a Non-Disclosure Certificate attached as **Appendix B** and who is: (i) an attorney who has entered an appearance in this proceeding for a statutory advocate pursuant to 52 Pa. Code § 1.8, or a statutory advocate if not an attorney; (ii) an attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph (i); or (iii) an outside expert or

an employee of an outside expert retained by a statutory advocate for the purposes of advising, preparing for or testifying in this proceeding.

CONFIDENTIAL SECURITY INFORMATION will only be provided for inspection via in-person review at the offices of Post & Schell, P.C., 17 N. Second Street, 12th Floor, Harrisburg, PA 1701, or upon request of a statutory advocate or an attorney for a statutory advocate, at another location in the Harrisburg-metro area of the Commonwealth, between the hours of 9 A.M. to 5 P.M., Monday through Friday. Such review may be proctored and the Reviewing Representatives are prohibited from reproducing such information in any form without the prior authorization of PPL Electric's counsel (including taking detailed notes, making photocopies, or taking pictures). If a statutory advocate determines that it is necessary to use CONFIDENTIAL SECURITY INFORMATION as part of their presentation of evidence in this proceeding, such statutory advocate shall request a copy from counsel for PPL Electric, which permission shall not be unreasonably withheld and subject to that party confirming it understands and will abide by the terms of this Protective Order concerning use of such materials.

With regard to I&E, information and materials deemed as "CONFIDENTIAL SECURITY INFORMATION" 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 CONFIDENTIAL SECURITY 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, the I&E Prosecutors may afford access to CONFIDENTIAL SECURITY INFORMATION 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.

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 CONFIDENTIAL SECURITY INFORMATION, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

15. Information deemed as "CRITICAL ENERGY INFRASTRUCTURE INFORMATION" may be made available for inspection and review by a "Reviewing Representative" who has signed a Non-Disclosure Certificate attached as **Appendix B** and who is: (i) an attorney who has entered an appearance in this proceeding for a statutory advocate pursuant to 52 Pa. Code § 1.8, or a statutory advocate if not an attorney; (ii) an attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph (i); or (iii) an outside expert or an employee of an outside expert retained by a statutory advocate for the purposes of advising, preparing for or testifying in this proceeding.

CRITICAL ENERGY INFRASTRUCTURE INFORMATION will only be provided for inspection via in-person review at the offices of Post & Schell, P.C., 17 N. Second Street, 12th Floor, Harrisburg, PA 17101. Such review may be proctored, and the Reviewing Representatives are prohibited from reproducing such information in any form without the prior authorization of PPL Electric's counsel (including taking detailed notes, making photocopies, or taking pictures). This provision does not apply to attorneys, expert witnesses and/or employees of the Parties that are otherwise authorized to review CEII.

Reviewing Representatives who gain access to CRITICAL ENERGY INFRASTRUCTURE INFORMATION undertake the obligation to protect the confidentiality of CEII and undertake all other obligations resulting from having access to this confidential information, in accordance with 18 C.F.R. 388.113(h), as well as all other applicable federal and state laws and other legal rules, which are incorporated by reference herein. Any copies of CEII shall also be deemed to be CRITICAL ENERGY INFRASTRUCTURE INFORMATION.

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 CRITICAL ENERGY INFRASTRUCTURE INFORMATION, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

16. If any person who has had access to Proprietary Information subsequently is assigned to perform any duties which would make that person ineligible to be a Reviewing Representative of "Confidential," "Highly Confidential," "CONFIDENTIAL SECURITY INFORMATION," or "CRITICAL ENERGY INFRASTRUCTURE INFORMATION" materials, that person shall immediately inform the producing party of his or her new duties, shall dispose of any Proprietary Information and any information derived therefrom in his or her possession and shall continue to comply with the requirements of this Protective Order with regard to the Proprietary Information to which that person previously had access.

17. No other persons may have access to the Proprietary Information except as authorized by order of the Commission or the Presiding Administrative Law Judge.

18. Counsel for the Office of Consumer Advocate ("OCA") and Office of Small Business Advocate ("OSBA") may share Proprietary Information with the Consumer Advocate

and Deputy Consumer Advocate and the Small Business Advocate, respectively, without obtaining a Non-Disclosure Certificate from these individuals, provided that these individuals otherwise abide by the terms of the Protective Order.

19. Proprietary Information shall be treated by non-producing parties subject to this Protective Order and by all Reviewing Representatives in accordance with a non-disclosure certificate attached as **Appendix A** or **Appendix B** and executed pursuant to Paragraph 21. 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.

20. Reviewing Representatives shall not use information contained in any Proprietary Information obtained through this proceeding to give any commercial advantage. If a party wishes to designate as a Reviewing Representative a person not described in Paragraphs 9, 12, 14, or 15, above, the party shall seek a written agreement from the party providing the Proprietary Information. If an agreement is reached, that person shall be a Reviewing Representative 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.

21. 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. Without exception, 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.

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

23. 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.

24. The producing party shall designate data or documents as constituting or containing Proprietary Information by marking the documents “Confidential,” “Highly Confidential,” “CONFIDENTIAL SECURITY INFORMATION,” or “HIGHLY CONFIDENTIAL – CEII – Contains Critical Energy Infrastructure Information – DO NOT RELEASE.” 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,” “HIGHLY CONFIDENTIAL,” “CONFIDENTIAL SECURITY INFORMATION,” or “HIGHLY CONFIDENTIAL – CEII – Contains Critical Energy Infrastructure Information – DO NOT RELEASE.” For filing purposes, Proprietary Information shall be filed separately from the nonproprietary materials and conspicuously marked “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” “CONFIDENTIAL SECURITY INFORMATION,” or “HIGHLY

CONFIDENTIAL – CEII – Contains Critical Energy Infrastructure Information – DO NOT RELEASE.”

25. The non-producing party 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), as applicable, and is within the definition of “confidential proprietary information” in the Pennsylvania Right-to-Know Law, Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101-67.3104, 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. For purposes of this Protective Order, notice provided to the producing party’s counsel of record shall comply with this requirement.

26. Any public reference to Proprietary Information by a party 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.

27. 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.

28. Any part of the record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination and argument, and including reference thereto as mentioned in Paragraph 27 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 subject to this Protective Order or pursuant to an order of the Commission.

29. 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.

30. 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.

31. 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 non-producing 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 the non-producing 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, the non-producing party shall certify in writing to the other party that the Proprietary Information has been destroyed.

Dated: _____

Honorable John M. Coogan

APPENDIX A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

NON-DISCLOSURE CERTIFICATE FOR
CONFIDENTIAL INFORMATION AND MATERIALS

TO WHOM IT MAY CONCERN:

The undersigned is a Reviewing Representative of the _____, a party to this proceeding (“Party”), and is not prohibited from being a Reviewing Representative of “Confidential” information under the Protective Order. The undersigned has read and understands the Protective Order in the above-referenced proceeding, which 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.

Name

Address

Signature

Employer

Title

APPENDIX B

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

**NON-DISCLOSURE CERTIFICATE FOR
HIGHLY CONFIDENTIAL INFORMATION, CONFIDENTIAL SECURITY
INFORMATION, AND CRITICAL ENERGY INFRASTRUCTURE INFORMATION
AND MATERIALS**

TO WHOM IT MAY CONCERN:

The undersigned is a Reviewing Representative of the _____, a party to this proceeding (“Party”). The undersigned has read and understands the Protective Order and the required treatment of information and materials designated as “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” “CONFIDENTIAL SECURITY INFORMATION,” or “HIGHLY CONFIDENTIAL – CEII – Contains Critical Energy Infrastructure Information – DO NOT RELEASE” 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 12, 14, and 15, a party providing HIGHLY CONFIDENTIAL information and materials, CONFIDENTIAL SECURITY INFORMATION, or “HIGHLY CONFIDENTIAL – CEII – Contains Critical Energy Infrastructure Information – DO NOT RELEASE” may seek further protection, including, but not limited to, total prohibition of disclosure as to particular individuals, even where Appendix B has been executed.

Name

Address

Signature

Employer

Title