



McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Adeolu A. Bakare
Direct Dial: 717.237.5290
Direct Fax: 717.260.1744
abakare@mcneeslaw.com

June 30, 2025

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**RE: Pennsylvania Public Utility Commission v. Citizens' Electric Company of Lewisburg, PA;
Docket No. R-2025-3054394**

**Pennsylvania Public Utility Commission v. Wellsboro Electric Company
Docket No. R-2025-3054392**

**Pennsylvania Public Utility Commission v. Valley Energy, Inc.
Docket No. R-2025-3054393**

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is the Motion for Issuance of Protective Order of Citizens' Electric Company of Lewisburg, PA, Wellsboro Electric Company and Valley Energy, Inc., in the above-referenced dockets.

If you have any questions regarding the attached documents, please feel free to contact the undersigned. As shown by the attached Certificate of Service, the parties to this proceeding are being duly served with a copy of this filing. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a white background.

Adeolu A. Bakare
MCNEES WALLACE & NURICK LLC

Counsel to Citizens' Electric Company of Lewisburg, PA,
Wellsboro Electric Company and Valley Energy, Inc.

c: Mary D. Long, Administrative Law Judge (via e-mail)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA EMAIL

Steven C. Gray, Esq.
Rebecca Lyttle, Esq.
Small Business Advocate
Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov
relyttle@pa.gov

Kevin Higgins (Discovery)
khiggins@energystrat.com
Rebecca Forbes (Discovery)
rforbes@energystrat.com

Melanie Joy El Atieh, Esq.
Ryan Morden, Esq.
Aiden McEvoy, Paralegal
Lori Arnsparger, Paralegal
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
OCA25CWV@paoca.org

Michael Podskoch, Jr., Esq.
Adam J. Williams, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P. O. Box 3265
Harrisburg, PA 17105-3265
mpodskoch@pa.gov
adawilliam@pa.gov

Todd S. Stewart, Esq.
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
tsstewart@hmslegal.com
*Counsel for Kelly Road Solar, LLC,
Lancaster Avenue Solar, LLC and Twilight
Renewables, LLC*



Adeolu A. Bakare

*Counsel to Citizens' Electric Company of
Lewisburg, PA, Wellsboro Electric
Company and Valley Energy, Inc.*

Dated this 30th day of June, 2025, in Harrisburg, Pennsylvania.

2. On May 22, 2025, the Commission issued Orders suspending the effective date for Citizens', Wellsboro, and Valley's proposed tariff changes to January 29, 2026, and assigning the rate cases to the Office of Administrative Law Judge for hearings and the issuance of a Recommended Decision.

3. Proprietary Information within the scope of 52 Pa. Code § 5.365 has been requested during the course of this proceeding. For example, parties have sought information that is customarily treated as sensitive, proprietary, or highly confidential, including but not limited to unregulated affiliate financial reports, professional services contracts, and other information.

4. To ensure that this information is kept confidential and used only for purposes of this proceeding, the Companies request that a Protective Order in the form attached to this Motion be issued. The Companies believe that the procedures to handle this proprietary and confidential information set forth in the proposed Protective Order are reasonable under the circumstances. Additionally, the Companies note that the parties of record as of the time of this filing, consisting of the Bureau of Investigation and Enforcement; the Office of Consumer Advocate; the Office of Small Business Advocate; Kelly Road Solar, LCC, Lancaster Avenue Solar, LLC, and Twilight Renewables, LLC (collectively "Solar Projects"), do not oppose this Motion.

WHEREFORE, the Companies respectfully request that the Protective Order in the form attached hereto be issued to address the disclosure and use of proprietary information in the above-referenced matters.

Respectfully submitted,

By 

Adeolu A. Bakare (Pa. I.D. 208541)
Matthew L. Garber (Pa. I.D. 322855)
Rebecca Kimmel (Pa. I.D. 335097)
Victoria Geddis (Pa. I.D. 335500)
McNees Wallace & Nurick LLC
100 Pine Street, P. O. Box 1166
Harrisburg, PA 17108-1166
717-232-8000
717-260-1730 (fax)

abakare@mcneeslaw.com
mgarber@mcneeslaw.com
rkimmel@mcneeslaw.com
vgeddis@mcneeslaw.com

Pamela Polacek (Pa. I.D. 78276)
C&T Enterprises, Inc.
P.O. Box 129
Venetia, PA 15367
Phone: (570) 724-9469
Fax: (570) 724-3996
ppolacek@ctenterprises.org

Counsel to the Citizens Electric Company of Lewisburg, PA,
Wellsboro Electric Company, and Valley Energy, Inc.

Dated: June 30, 2025

testimony or oral examination, or provided as a courtesy to a party to this proceeding, which are claimed to be of a proprietary or confidential nature and which are designated "PROPRIETARY" "CONFIDENTIAL" or "CONFIDENTIAL AND 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 include, but not be limited to, financial, strategic or business planning or marketing information including information regarding Citizens' and Wellsboro's bidding and supply management strategies in the PJM markets that has not been previously disclosed to the public.

4. Proprietary Information and Highly Confidential Information produced in this proceeding shall be made available to the Commission and its Staff, the Office of Consumer Advocate ("OCA"), the Office of Small Business Advocate ("OSBA"), the Bureau of Investigation and Enforcement ("I&E"), Kelly Road Solar, LCC, Lancaster Avenue Solar, LLC, and Twilight Renewables, LLC (collectively "Solar Projects"), and any other party solely for use in this proceeding. 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 or Highly Confidential 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 Order. Public inspection of Proprietary

Information and Highly Confidential Information shall be permitted only in accordance with this Protective Order.

5. Proprietary Information and Highly Confidential Information shall be made available to counsel of record and statutory advocates in this proceeding pursuant to the following procedures:

a. Proprietary Information. To the extent required for participation in this proceeding, a party's counsel may afford access to Proprietary Information made available by another party ("the producing party") to the party's expert(s), subject to the following restrictions.

i. Such experts may not hold any of the following positions with any competitor of the producing party: (a) an officer, board member, stockholder, partner, owner, or an employee who is primarily involved in the pricing, development, and/or marketing of products or services that are offered or purchased in competition with those of the producing party; or (b) an officer, board member, stockholder, partner, owner of any affiliate of a competitor of the producing party; provided, however, that any expert shall not be disqualified on account of being a stockholder, partner, or owner unless his/her interest in the business constitutes a significant potential for violation of the limitations of permissible use of the Proprietary Information.

ii. If a party's independent expert, another member of the independent expert's firm or the independent expert's firm generally also serves as an expert for, or as a consultant or advisor to a competitor or any affiliate of a competitor of the producing party, said independent expert must: (1) advise the producing party of the competitor's or affiliate's name(s); (2) make reasonable attempts to segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a competitor or any affiliate of a competitor of the producing party; and (3) if segregation of such personnel is impractical, the

independent expert shall give to the producing party written assurances that the lack of segregation will in no way jeopardize the interests of the producing party. The producing party retains the right to challenge the adequacy of the written assurances that its interests will not be jeopardized.

iii. With regard to I&E, Proprietary Information 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 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, the I&E Prosecutors may afford access to Proprietary Information only to I&E's experts, 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 Order by virtue of the I&E Prosecutors' execution of a Non-Disclosure Certificate.

iv. Any information provided under this provision may be used only for and to the extent that it is necessary for participation in this proceeding; any person obtaining information disclosed through this provision may not use that information to gain any commercial advantage and any person obtaining information may not forward it to any person to gain commercial advantage.

b. Highly Confidential Information. Where information is asserted to be Highly Confidential Information, it will be made available for inspection and review as provided for in this protective order and not copying except as specified herein. The producing party shall permit counsel for the OCA and OSBA (individually "public advocate" and collectively the "public advocates") or counsel for the Solar Projects to take custody of a copy of such Highly Confidential Information, provided that it shall not be copied, except for the public advocate or Solar Projects counsel, and the public advocates' or Solar Projects' in-house staff or independent consultants, in

accordance with the protocols set forth below and shall be returned as provided for in this protective order. Such Highly Confidential Information may be provided by a public advocate or Solar Projects to its eligible independent consultants (as defined in 52 Pa. Code 5.423(d)) or to eligible in-house staff who are assisting counsel with the preparation or presentation of the public advocate's or Solar Projects' case in these proceedings, provided that such consultants or in-house staff execute and return the acknowledgement attached to this protective order to the producing party. Counsel for other parties and additional representatives may view Highly Confidential information at the offices of the Producing Party or another mutually-convenient location; provided, however, that non-lawyer representatives of parties may view Highly Confidential information only if the representative executes the acknowledgment attached to this protective order and if the Producing Party receives sufficient assurances that the representative is not involved in activities or roles within the organization where knowledge of the particular information to be viewed could place the Producing Party at a competitive disadvantage.

i. Notwithstanding the above restrictions, with regard to I&E, Highly Confidential 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 Highly Confidential 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 Highly Confidential Information, only to I&E's experts, 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.

c. No other persons may have access to the Proprietary or Highly Confidential Information except as authorized by order of the Commission or of the presiding Administrative Law Judge. No person who may be entitled to receive, or who is afforded access to any Proprietary or Highly Confidential Information shall use or disclose such information for the purposes of business or competition, or any purpose other than the preparation for and conduct of this proceeding or any administrative or judicial review thereof.

6. Prior to making Proprietary or Highly Confidential Information available to any person as provided in paragraph 5 of this Protective Order, counsel shall deliver a copy of this Order to such person and shall receive a written acknowledgment from that person in the form attached to this Order and designated as Appendix A. Counsel shall promptly deliver to the producing party a copy of the executed acknowledgment form.

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

8. Any public reference to Proprietary 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 or Highly Confidential Information to fully understand the reference and not more. The Proprietary or Highly Confidential Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

9. Part of any record of this proceeding containing Proprietary 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 Ordering paragraph 8 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary 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 Administrative Law Judge, the Commission or appellate court. Unresolved challenges arising under paragraph 10 shall be decided on petition by the presiding officer or the Commission as provided by 52 Pa. Code § 5.423(a). All such challenges will be resolved in conformity with existing rules, regulations, orders, statutes, precedent, etc., to the extent that such guidance is available.

10. The parties affected by the terms of this Order shall retain the right to question or challenge the confidential or proprietary nature of Proprietary or Highly Confidential Information; to question or challenge the admissibility of Proprietary or Highly Confidential Information; to refuse or object to the production of Proprietary or Highly Confidential Information on any proper ground, including but not limited to irrelevance, immateriality or undue burden; to seek an order permitting disclosure of Proprietary or Highly Confidential Information beyond that allowed in this Order; and to seek additional measures of protection of Proprietary or Highly Confidential Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary or Highly Confidential, the party claiming that the information is Proprietary or Highly Confidential retains the burden of demonstrating that the designation is necessary and appropriate.

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 or Highly Confidential Information shall be immediately returned upon request to the party furnishing such Proprietary or Highly Confidential Information. In the alternative, parties may provide an affidavit of counsel affirming that the materials containing or reflecting Proprietary or Highly Confidential Information have been destroyed.

Dated: _____

Honorable Mary D. Long

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2025-3054394
Citizens' Electric Company of Lewisburg, PA	:	
	:	
	:	
Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2025-3054392
Wellsboro Electric Company	:	
	:	
	:	
Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2025-3054393
Valley Energy, Inc.	:	

TO WHOM IT MAY CONCERN:

The undersigned is the _____ of _____ (the retaining party) and is not, or has no knowledge or basis for believing that he/she is (1) an officer, board member, stockholder, partner or owner of any competitor of _____ (the "Producing Party") or, in the event that the information involves a specific customer, such customer; or an employee of any competitor of the Producing Party or such customer who is primarily involved in the pricing, development, and/or marketing of products or services that are offered or purchased in competition with those of the Producing Party or such customer; or (2) an officer, board member, stockholder, partner, or owner of any affiliate of a Competitor of the Producing Party or such customer.

The undersigned has read and understands the Protective Order deals with the treatment of Proprietary and Highly Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Order. In the case of an independent expert, the undersigned represents that he/she has complied with the provisions of paragraph 5 of the Order prior to submitting this Affidavit.

SIGNATURE

PRINT NAME

ADDRESS

EMPLOYER

DATE: _____