

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Generic Investigation or : P-2011-2277868
Rulemaking Regarding “Gas-on-Gas” :
Competition Between Jurisdictional :
Natural Gas Distribution Companies :

Generic Investigation Regarding : I-2012-2320323
“Gas-on-Gas” Competition Between :
Jurisdictional Natural Gas Distribution :
Companies :

PROTECTIVE ORDER

Upon consideration of the unopposed request for a Protective Order that was emailed to the presiding officer by counsel for Peoples Natural Gas Company LLC on July 18, 2025. Peoples Natural Gas Company LLC asserted no comments were received from PECO Energy Company and OSBA, but the following active parties indicated there was no objection to the proposed Protective Order: Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, Office of Consumer Advocate, Bureau of Investigation and Enforcement and Pennsylvania State University.

IT IS ORDERED THAT:

1. The request of Peoples Natural Gas Company, LLC, on behalf of the other active parties, is hereby granted with respect to all materials and information identified in Paragraphs 3 and 4 below.

2. That 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” or “Highly Confidential.” Such materials will be referred to below as “Proprietary Information.”

3. That 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. That 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) marketing plans; (ii) competitive strategies or service alternatives; (iii) market share projections; and (iv) marketing materials that have not yet been used. Notwithstanding anything herein to the contrary, the parties shall not be required under this Protective Order to at any time provide to each other in discovery or otherwise “Customer-Specific Discount Information”, which is any competitive pricing or discounting information regarding a specific customer including, without limitation, customer names, addresses, annual volumes of gas usage, or other customer-identifying information and pricing/discounting. Nothing herein shall be deemed to prevent a party from supplying aggregated pricing and volume information so long as such aggregated information does not reveal the identity of a specific customer.

5. That 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.

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

7. That “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; (ii) an attorney, paralegal, or other employee associated for purposes of this proceeding with an attorney described in subparagraph (i); (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 to by the producing and non-producing parties.

8. Provided, however, that no Reviewing Representative may be a “Restricted Person.” 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; (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; (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.

9. 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; (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 party or its 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.

10. 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" or "Highly Confidential" information, 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.

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

12. That qualified “Reviewing Representatives of Highly Confidential” information may review and discuss “Highly Confidential” information 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. Such discussions must be general in nature and not disclose specific “Highly Confidential” information; provided, however, that counsel for the Bureau of Investigation and Enforcement (BIE), Office of Consumer Advocate (OCA) and Office of Small Business Advocate (OSBA) may share Proprietary Information with the BIE Deputy Chief Prosecutor, BIE Director, Consumer Advocate, Deputy Consumer Advocate, and 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.

13. That Proprietary Information shall be treated by non-producing parties subject to this Protective Order and by all Reviewing Representatives in accordance with the certificate attached as Appendix A and executed pursuant to Paragraph 15. 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.

14. That Reviewing Representatives may 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 Paragraph 8, 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 materials. If no agreement is reached, the party shall submit the disputed designation to the presiding Administrative Law Judge for resolution.

15. That 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.

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

17. That 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.

18. That the producing party shall designate data or documents as constituting or containing Proprietary Information by stamping 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 which constitute or contain Proprietary Information. The Proprietary Information shall be served in an envelope separate from the nonproprietary materials, and the envelope shall be conspicuously marked "Confidential" or "Highly Confidential."

19. That 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 as 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.

20. That 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.

21. That, 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.

22. That 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 20 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.

23. That 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.

24. That 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.

25. That 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

APPENDIX A
BEFORE THE
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Generic Investigation Regarding : I-2012-2320323
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NON-DISCLOSURE CERTIFICATE

TO WHOM IT MAY CONCERN:

The undersigned is a Reviewing Representative of the _____, a party to this proceeding (“Party”), and is not or has no knowledge or basis for believing that he/she is a “Restricted Person” based upon reasonable knowledge and efforts as that term is defined in Paragraph 8 of the Protective Order, or prohibited from being a “Reviewing Representative of Highly Confidential information” pursuant to 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

P-2011-2277868 - RE: PETITION FOR GENERIC INVESTIGATION OR RULEMAKING REGARDING “GAS-ON-GAS COMPETITION” BETWEEN JURISDICTIONAL NATURAL GAS DISTRIBUTION COMPANIES; I-2012-2320323 - RE: GENERIC INVESTIGATION REGARDING GAS-ON-GAS COMPETITION BETWEEN JURISDICTIONAL NATURAL GAS DISTRIBUTION COMPANIES

MARK C MORROW ESQUIRE
UGI CORPORATION
460 NORTH GULPH ROAD
KING OF PRUSSIA PA 19406-2807
610.768.3628
morrowm@ugicorp.com
Served via eService – August 6, 2025
(Counsel for UGI Distribution Companies)

DOMINICK A SISINNI
NATIONAL FUEL GAS DISTRIBUTION
CORPORATION
1100 STATE STREET
PO BOX 2081
ERIE PA 16512
814.871.8177
sisinnid@natfuel.com
Served via eService - August 6, 2025

DONNA M J CLARK
ENERGY ASSOCIATION OF
PENNSYLVANIA
800 NORTH THIRD STREET
SUITE 205
HARRISBURG PA 17101
717.901.0631
717.319.4670
dclark@energypa.org
Served via Email – August 6, 2025

AMY NUEFELD
500 NORTH THIRD STREET
SUITE 800
HARRISBURG PA 17110
amy.neufeld@exeloncorp.com
Served via USPS First Class Mail and via
Email – August 6, 2025
*(Counsel for Exelon Business Services
Company)*

MEGAN MOORE ESQUIRE
JENNIFER PETRISEK ESQUIRE
PEOPLES NATURAL GAS COMPANY
LLC
375 NORTH SHORE DRIVE
PITTSBURGH PA 15212
412.208.6527
412.208.6834
megan.moore@peoples-gas.com
jennifer.petrisek@peoples-gas.com
Served via eService – August 6, 2025
(Counsel for Peoples TWP)

MICHAEL S SWERLING
PECO ENERGY COMPANY
2301 MARKET STREET S23-1
PHILADELPHIA PA 19101-8699
215.841.4420
Michael.swerling@exeloncorp.com
Served via eService - August 6, 2025

CHARIS MINCAVAGE ESQUIRE
REBECCA KIMMEL ESQUIRE
SUSAN E BRUCE ESQUIRE
MCNEES WALLACE & NURICK LLC
100 PINE STREET
PO BOX 1166
HARRISBURG PA 17101
717.237.5437
717.237.5426
717.237.5254
cmincavage@mwn.com – eService
rkimmel@mcneeslaw.com – Email
sbruce@mcneeslaw.com – eService
Served via eService and Email – August 6, 2025
(Counsel for Industrial Energy Consumers of Pennsylvania)

WHITNEY E SNYDER ESQUIRE
ERICH STRUBBLE ESQUIRE
THOMAS J SNISCAK ESQUIRE
HMS LEGAL LLP F/K/A KAWKE
MCKEON AND SNISCAK LLP
501 CORPORATE CIRCLE
SUITE 302
HARRISBURG PA 17110
717.703.0807
717.703.0812
717.236.1300
wesnyder@hmslegal.com
ewstruble@hmslegal.com
tjsniscak@hmslegal.com
Served via eService – August 6, 2025
(Counsel for Pennsylvania State University)

CANDIS A TUNILO ESQUIRE
COLUMBIA GAS OF PENNSYLVANIA
INC
800 N THIRD STREET
SUITE 204
HARRISBURG PA 17102
717.233.1351
ctunilo@nisource.com
Served via eService -

STEVEN C GRAY ESQUIRE
OFFICE OF SMALL BUSINESS
ADVOCATE
FORUM PLACE
555 WALNUT STREET – 1ST FLOOR
HARRISBURG PA 17101
717.783.2525
sgray@pa.gov
Served via Email – August 6, 2025

CHRISTY APPLEBY ESQUIRE
DARRYL A LAWRENCE ESQUIRE
OFFICE OF CONSUMER ADVOCATE
FORUM PLACE
555 WALNUT STREET – 5TH FLOOR
HARRISBURG PA 17101-1923
717.783.5048
717.783.5048
cappleby@paoca.org
dlawrence@paoca.org
Served via eService - August 6, 2025

ALLISON C KASTER ESQUIRE
PA PUC BUREAU OF INVESTIGATION
AND ENFORCEMENT LEGAL
TECHNICAL
SECOND FLOOR WEST
400 NORTH STREET
HARRISBURG PA 17120
717.783.7998
akaster@pa.gov
Served via eService - August 6, 2025
(Counsel for PA PUC Bureau of Investigation and Enforcement)

EMILY FARAH
COLUMBIA GAS OF PENNSYLVANIA
121 CHAMPION WAY
SUITE 100
CANONSBURG PA 15317
724.416.6321
efarah@nisource.com
Served via eService - August 6, 2025

JOHN F POVILAITIS ESQUIRE
BUCHANAN INGERSOLL & ROONEY
409 N SECOND STREET
SUITE 500
HARRISBURG PA 17101-1357
717.237.4825
john.povilaitis@bipc.com
Served via eService - August 6, 2025
(*Counsel for Peoples Natural Gas
Company*)

DAMIAS A WILSON ESQUIRE
CULLEN AND DYKMAN LLP
100 QUENTIN ROOSEVELT
BOULEVARD
4TH FLOOR
GARDEN CITY NY 11530-4850
516.296.9175
dwilson@cullenanddykman.com
Served via Email and USPS First Class Mail
– August 6, 2025
(*Counsel for National Fuel Gas Distribution
Corporation*)

TISHEKIA WILLIAMS ESQUIRE
DUQUESNE LIGHT COMPANY
411 SEVENTH AVENUE
15TH FLOOR
PITTSBURGH PA 15219
412.393.1541
twilliams@duqlight.com
Served via eService - August 6, 2025