

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lexington Land Developers Corporation	:	
	:	
v.	:	C-2024-3052541
	:	
FirstEnergy Pennsylvania Electric Company	:	

PROTECTIVE ORDER

On February 25, 2026, Lexington Land Developers Corporation and FirstEnergy Pennsylvania Electric Company filed a Joint Motion for Protective Order (“Joint Motion” or “Motion”) in the above-captioned proceeding pursuant to the provisions of 52 Pa. Code §§ 5.362(a)(7) and 5.365(a).

After careful review of the Joint Motion and proposed Protective Order, said Motion will be granted. I find that the proposed Protective Order is consistent with the Commission’s regulations regarding protective orders. *See* 52 Pa. Code § 5.365(a). This proceeding involves information that warrants protection and the attached protective order provides the least restrictive means of limitations which will provide the necessary protection from disclosure.

THEREFORE,

IT IS ORDERED:

1. That the Motion is hereby granted with respect to all materials and information identified in Paragraph 2-3 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 Paragraph 2-3 of this Protective Order shall use and disclose such information only in accordance with this Protective Order.

2. The information subject to this Protective Order is all correspondence, documents, statements, exhibits, data, information, studies, methodologies and other materials (including materials derived therefrom), whether produced or reproduced or stored on paper, cards, tape, disk, film, electronic facsimile, magnetic or optical memory, computer storage devices or any other devices or media, including, but not limited to, electronic mail (e-mail), furnished in this proceeding, that the producing party believes to be of a proprietary or confidential nature, and which are so designated by being stamped or marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” protected material. Such materials are referred to in this Order as “Proprietary Information.” When a statement or exhibit is identified for the record, the portions thereof that constitute Proprietary Information shall be designated as such for the record.

3. The parties may designate as “CONFIDENTIAL” those materials which customarily are treated by that party as sensitive or proprietary, which are not available to the public, and which, if disclosed freely, would subject that party or its clients to risk of competitive disadvantage or other business injury. The parties may designate as “HIGHLY CONFIDENTIAL” those materials that are of such a commercially sensitive nature among the parties or of such a private, personal nature that the producing party is able to justify a heightened level of confidential protection with respect to those materials. The parties shall endeavor to limit their designation of information as “HIGHLY CONFIDENTIAL.”

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, testimony, cross examination, argument, or settlement in this case.

5. To the extent required for participation in this case, counsel for a party may afford access to Proprietary Information subject to the conditions set forth in this Protective Order as follows:

a) Information deemed “CONFIDENTIAL” shall be provided to a person who has signed a written acknowledgement (the “Non-Disclosure Certificate”) attached as Appendix A and who is: (i) an attorney who has entered an appearance in this proceeding for a party or a statutory advocate pursuant to 52 Pa. Code § 1.8, if not an attorney; (ii) attorneys, paralegals, and other employees associated, for purposes of this proceeding, with an attorney described in subparagraph 5(a)(i); (c) an expert, or an employee of an expert, retained by a party for purposes of advising that party or testifying in this proceeding on behalf of that party; and (iv) a party’s employees assisting the party or counsel with these proceedings.

b) Information designated “HIGHLY CONFIDENTIAL” shall be provided to a person who has signed a Non-Disclosure Certificate and who is: (i) an attorney who has entered an appearance in this proceeding for a party or a statutory advocate pursuant to 52 Pa. Code § 1.8, if not an attorney; (ii) attorneys, paralegals, and other employees associated, for purposes of this case, with an attorney described in subparagraph 5(b)(i); (iii) an outside expert or an employee of an outside expert retained by a party for the purpose of advising that party or testifying in this proceeding on behalf of that party; and (iv) eligible independent consultants (as defined in 52 Pa. Code § 5.365(d)) or other non-lawyer representatives and their staff who are assisting counsel with these proceedings.

c) Except for the persons identified above, the presiding Administrative Law Judge, and the Commission (including their respective counsel and staff of the presiding Administrative Law Judge and the Commissioners), no other persons may have access to Proprietary 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 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 Information available to any independent consultant or non-lawyer representatives, counsel shall deliver a copy of this Protective Order to such person and shall receive an executed Non-Disclosure Certificate from that person in the form attached as Appendix A. Counsel shall promptly deliver to the producing party a copy of the executed Non-Disclosure Certificate.

7. The parties shall designate data or documents as constituting or containing Proprietary Information by marking the documents “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” Where only part of data compilations or multi-page documents constitutes or contains Proprietary Information, the parties, insofar as reasonably practicable within discovery and other time constraints imposed in this proceeding, shall designate only the specific data or pages of documents that constitute or contain Proprietary Information. The Proprietary Information shall be served upon the parties hereto only, and the materials shall be separate from the nonproprietary materials and conspicuously marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” For filing purposes, Proprietary Information shall be filed separately from the nonproprietary materials and conspicuously marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.”

8. The Commission and all parties will consider and treat the Proprietary Information as within the exemptions from disclosure provided in Section 335(d) of the Public Utility Code, 66 Pa.C.S. § 335(d), and the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101 *et seq.*, (the “RTKL”) until such information is found by a tribunal with jurisdiction to be non-proprietary or subject to one or more exemptions. In the event that any person or entity seeks to compel the disclosure of Proprietary Information under Section 335(d) and/or the RTKL, the Commission and/or the party receiving such request shall promptly notify the producing party in order to provide the producing party an opportunity to oppose or limit such disclosure. 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.

9. Any public reference to Proprietary Information shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to understand fully the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

10. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination, argument, and responses to discovery, and including reference thereto, shall be sealed for all purposes, excluding 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 or a Court with jurisdiction over such matters.

11. The parties shall retain the right to question or challenge the confidential or highly confidential 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. 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.

12. This Protective Order shall continue to be binding throughout and after the conclusion of this proceeding.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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FirstEnergy Pennsylvania Electric Company	:	

APPENDIX A

ACKNOWLEDGMENT

TO WHOM IT MAY CONCERN:

The undersigned is the _____ of _____ (the receiving party).

The undersigned has read the Protective Order dated _____, 2026, and understands that it deals with the treatment of Proprietary and Highly Confidential Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order. In the case of an independent expert, the undersigned represents that he/she has complied with the provisions of paragraphs 5-6 of the Protective Order prior to submitting this Acknowledgement.

SIGNATURE

PRINT NAME

ADDRESS

EMPLOYER

DATE: _____

**C-2024-3052541 - LEXINGTON LAND DEVELOPERS CORP v. FIRSTENERGY
PENNSYLVANIA ELECTRIC COMPANY**

Revised February 27, 2026

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Served via eService February 27, 2026

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(Counsel for FirstEnergy PA Electric Co FKA Met-Ed)