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March 10, 2026

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


**Re: Pennsylvania Public Utility Commission Bureau of Investigation
and Enforcement v. Columbia Gas of Pennsylvania, Inc.
Docket No. C-2023-3044398**

Dear Secretary Homsher:

Enclosed please find the Joint Motion of Columbia Gas of Pennsylvania, Inc. and the Bureau Of Investigation And Enforcement for a Protective Order. Copies will be provided as indicated on the Certificate of Service.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



Emily M. Farah

/kak
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3044398
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**JOINT MOTION OF COLUMBIA GAS OF PENNSYLVANIA, INC.
AND THE BUREAU OF INVESTIGATION AND ENFORCEMENT
FOR PROTECTIVE ORDER**

TO THE HONORABLE JEFFREY WATSON, ADMINISTRATIVE LAW JUDGE:

Pursuant to the provisions of 52 Pa. Code § 5.365(a), and the Interim Order entered in this matter on February 6, 2026, Columbia Gas of Pennsylvania, Inc. (“Columbia”) and the Bureau of Investigation and Enforcement (“I&E”) (collectively, “Parties”) now jointly file this Motion for Protective Order. In support thereof, the Parties state as follows:

Background

1. On November 11, 2023, I&E filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against Columbia at the above-captioned docket, alleging various violations related to pipeline fusion installations and recordkeeping practices. Recognizing that even the allegations in this matter raised confidential issues that are protected from public view under Pennsylvania law, I&E filed both proprietary and non-proprietary versions of the Complaint. Columbia filed its Answer on January 12, 2024, denying all material allegations and asserting that I&E was not entitled to the relief requested.

2. Following prehearing procedures and successful settlement discussions, the Parties jointly filed a Petition for Approval of Settlement on March 14, 2025 (“Settlement”), including

proposed conclusions of law and supporting statements.

3. On October 17, 2025, an Interim Order was issued that, in part, directed the parties to file appropriate pleadings and evidence to support the proposed Settlement. The Parties filed a Joint Stipulation of Facts in Support of Settlement on January 15, 2026. That Joint Stipulation included confidential records identified as Confidential Appendix E, Confidential Appendix F, and Confidential Appendix G. Concurrent with the Joint Stipulation of Facts in Support of Settlement on January 15, 2026, the Parties filed a Joint Motion to Admit Evidence into Record to Support Settlement to admit into the evidentiary record the documents and other records – including those in Confidential Appendix E, Confidential Appendix F, and Confidential Appendix G – which demonstrate that the proposed settlement is in the public interest and should be approved.

4. On February 6, 2026, an Interim Order was issued requiring the Parties to “confer and attempt to stipulate to the terms of a petition and protective order to address the proposal to admit, on a confidential basis, Appendices E, F, and G” and that any such proposed petition for a protective order must be filed on or before March 10, 2026 and “provide the specific basis for the restrictions sought by the Parties, consistent with applicable law.”

5. Accordingly, the Parties now move for Confidential Appendix E, Confidential Appendix F, and Confidential Appendix G to be admitted on a confidential basis consistent with the terms of the proposed Protective Order enclosed as **Attachment A**.

Legal Authority

6. 52 Pa. Code § 5.365(a) provides that in an adversarial proceeding “[a] petition for protective order to limit the disclosure of a trade secret or other confidential information on the public record will be granted only when a party demonstrates that the potential harm to the party of providing the information would be substantial and that the harm to the party if the information

is disclosed without restriction outweighs the public's interest in free and open access to the administrative hearing process.”

7. The non-exhaustive factors identified by Section 5.365(a) to be considered in order to make this determination, along with other relevant factors, include (1) The extent to which the disclosure would cause unfair economic or competitive damage, (2) The extent to which the information is known by others and used in similar activities, (3) The worth or value of the information to the party and to the party's competitors, (4) The degree of difficulty and cost of developing the information, and (5) Other statutes or regulations dealing specifically with disclosure of the information.

8. Accordingly, there is “a two-step inquiry, which includes consideration of the five factors contained [in Section 5.365(a)]: A party seeking a protective order has a substantial burden to show that (1) disclosure of the information for which protection is sought will result in substantial harm, and (2) that harm outweighs the significant public interest in open proceedings.” *Lyft, Inc. v. Pa. PUC*, 145 A.3d 1235, 1241-1242 (Pa. Commw. Ct. 2015) (internal quotations and citations omitted).

9. This burden is met by the Parties here in the strong interest of Columbia in maintaining the confidential and proprietary information contained in the limited materials contained in Confidential Appendix E, Confidential Appendix F, and Confidential Appendix G – and the interests of both Columbia and I&E in obtaining approval of its Settlement based, in part, on the support of those confidential and proprietary records – outweighing the public interest, generally, in open proceedings that would require public disclosure of those materials.

Argument

10. In response to the Petition for Approval of Settlement, the Interim Order stated that

“absent an evidentiary record, the proposed Settlement is not supported by substantial evidence” and it cannot be determined “whether the proposed Settlement is in the public interest.” Therefore, the Parties were ordered to submit an evidentiary record that addressed information and records identified in the Interim Order.

11. The categories of information and records required to be submitted under the Interim Order included “[a]ny other information or documentation that was identified or discovered by the Parties that supports the Settlement with substantial evidence” and “[a]ny other information or documentation that was identified or discovered by the Parties that provides support that the Settlement is in the public interest.”

12. If the Parties failed to submit the information and records responsive to the Interim Order, the Parties would be compelled to “conduct a four day in-person evidentiary hearing in Pittsburgh, Pennsylvania in March of 2026 in order to establish an evidentiary record in this proceeding” in support of the effort to obtain Settlement approval.

13. Therefore, in order to adequately respond to the Interim Order, the Parties submitted a comprehensive evidentiary record that included thousands of pages of records contained in Appendices E-H to supplement the March 14, 2025 Joint Petition for Approval of Settlement. This necessarily included information and records that are sensitive, proprietary, confidential, and/or highly confidential for which the potential harm to Columbia from disclosure would be substantial.

14. Specifically, disclosure of the information contained in Confidential Appendix E, Confidential Appendix F, and Confidential Appendix G would reveal Personally Identifying Information (PII), individual customer data, and otherwise potentially infringe on the constitutional right to privacy of individuals, and – critically – also create unfair economic and/or competitive damage, disadvantage, or other business injury to Columbia and third parties.

15. Confidential Appendix E consists of 2,005 pages produced to the Commission Safety Division in response to information requests associated with the underlying events of this proceeding. These robust records include discussion and records of individual employees of third-party contractors (including Operator Qualification training records and testing results), propriety NiSource Gas Standards, specific locations of all fusions performed by a third-party contractor on behalf of Columbia, and the specific locations and records of multiple categories of fusion failures and abnormal operating conditions. Public disclosure of these records would violate the privacy rights of the individual employees and property owners identified in documents and create a competitive disadvantage and other business injury to Columbia and its contractor.

16. Confidential Appendix F is the Columbia Gas Socket Fusion Investigation report issued by retained engineering consultant Exponent, Inc. (“Exponent”) in response to the underlying incident. The report provides technical evaluation, analyses, conclusions, and recommendations and is based, in part, on propriety NiSource Gas Standards and public disclosure of the report would create a competitive disadvantage and other business injury to Columbia. Exponent also retains a proprietary interest in its work product that has not been waived.

17. Confidential Appendix G is the contract packet including the contract between Columbia and its subcontractor, bid submission materials, and the Columbia contractor requirements that contain proprietary means and methods and unit pricing. Public disclosure of these materials would create a competitive disadvantage and other business injury to Columbia and its subcontractor.

Protective Order

18. The proposed Protective Order submitted as **Attachment A** defines two categories of protected information. The first is “CONFIDENTIAL” information, 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, and which, if disclosed freely, would subject that party or its clients to risk of competitive disadvantage or other business injury.” The second is “HIGHLY CONFIDENTIAL” information which is also defined in Paragraph 3 of the attached proposed Protective Order as “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.”

19. Paragraph 17 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 information deemed “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.”

20. Limitation on the disclosure of information deemed “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” 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.

21. The attached Protective Order sought by Columbia and I&E will protect the proprietary nature of competitively valuable information submitted for the record in the instant litigation. The proposed Protective Order applies the least restrictive means of limitation that will provide the necessary protections from disclosure.

22. Columbia has shared the proposed Protective Order with the only other party to this proceeding – I&E – and there is no objection to the Protective Order and its entry is jointly sought.

WHEREFORE, for all the reasons set forth above, Columbia Gas of Pennsylvania, Inc. and the Bureau of Investigation and Enforcement respectfully request the Joint Motion for Protective Order be granted and the proposed Protective Order submitted as **Attachment A** be issued.

Respectfully submitted,



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ATTACHMENT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3044398
	:	
Columbia Gas of Pennsylvania, Inc.	:	

PROTECTIVE ORDER

Upon consideration of the Joint Motion for a Protective Order (“Joint Motion”) that was filed by Columbia Gas of Pennsylvania, Inc. (“Columbia”) and the Pennsylvania Public Utility Commission Bureau of Investigation Bureau of Investigation and Enforcement (“I&E”) on March 10, 2025:

IT IS ORDERED THAT:

1. The Joint Motion is hereby granted with respect to all materials and information identified in Paragraphs 2 – 3 below.
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 marked “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” 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) a producing party 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) a producing party 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. A producing party 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, cross examination, argument, or settlement 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 that has signed a Non-Disclosure Certificate attached as Appendix A or Appendix B, and who is: (a) An attorney for a statutory advocate (as defined in 52 Pa. Code § 1.8) or a counselor who has entered 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 (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. With regard to the Bureau of Investigation and Enforcement (“I&E”), information deemed as “CONFIDENTIAL” shall be made available to I&E Prosecutors subject to the terms of this Protective Order. I&E Prosecutors shall use or disclose the 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 Prosecutor may afford access to 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 Prosecutor’s execution of a Non-Disclosure Certificate.

6. Information deemed as “HIGHLY CONFIDENTIAL” may be provided to a “Reviewing Representative” who has signed a Non-Disclosure Certificate attached as Appendix B and who is: (a) An attorney for a statutory advocate (as defined in 52 Pa. Code § 1.8) or a counselor who has entered 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 (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 information. With regard to I&E, information deemed as “HIGHLY CONFIDENTIAL” 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 Prosecutor may afford access to HIGHLY CONFIDENTIAL information without the need for the execution of a Non-Disclosure Certificate,

only to I&E's experts who are full-time employees of the Commission and who are bound by all the provisions of this Protective Order by virtue of the I&E Prosecutor's execution of a Non-Disclosure Certificate. Provided, further, that in accordance with the provisions of 52 Pa. Code § 5.362 and 52 Pa. Code § 5.365(e), any party may, by subsequent objection or motion, seek further protection with respect to HIGHLY CONFIDENTIAL information, 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. 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, or a person that is a Restricted Person under Paragraph 7, 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.

9. A qualified "Reviewing Representative" for "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 I&E may share proprietary information with the I&E Director without obtaining a Non-Disclosure

Certificate from these individuals, so long as these individuals otherwise abide by the terms of the Protective Order.

10. 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. 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.

11. Reviewing Representatives shall execute a Non-Disclosure Certificate in order to obtain access to Proprietary Information, and will be subject to the following conditions: (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, nor do Commission employees assisting I&E as noted above in Paragraphs 5 and 6. 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 producing party 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 producing party, 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 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”.

14. The parties will consider and treat the Proprietary Information as within the exemptions from disclosure provided in 66 Pa.C.S. § 335(d), and the Pennsylvania Right-to-Know Act, 65 P.S. §§ 67.101 *et seq.*, 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.

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 thirty (30) days after a Commission final order is entered in the above-captioned proceeding, or in the event of appeals, within thirty (30) 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 a 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 producing party that the Proprietary Information has been destroyed.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :
Bureau of Investigation and Enforcement :
 :
v. : Docket No. C-2023-3044398
 :
Columbia Gas of Pennsylvania, Inc. :

**NON-DISCLOSURE CERTIFICATE
FOR CONFIDENTIAL MATERIALS**

TO WHOM IT MAY CONCERN:

The undersigned is the _____ of
_____ (the retaining party). The undersigned
has read and understands the Protective Order and the required treatment of “CONFIDENTIAL”
information as defined in the Protective Order. The undersigned agrees to be bound by and
comply with the terms and conditions of said Protective Order.

SIGNATURE

NAME (Printed)

ADDRESS

EMPLOYER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing 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 ELECTRONIC MAIL ONLY

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Date: March 10, 2026



Emily Farah