



March 27, 2026

**VIA E-FILING**

**Dawn Kurtz Crompton**

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

**Re: Application of Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division), Pursuant to Section 1102(a) of the Pennsylvania Public Utility Code, for Approval of (1) the Right to Offer, Render, Furnish or Supply Water Service To the Public in an Additional Portion of Hazle Township, together with portions of Sugarloaf Township and West Hazleton Borough, all in Luzerne County, Pennsylvania and (2) the Abandonment of Portions of its Water Service Territory in Hazle Township, Luzerne County, Pennsylvania; Docket No. A-2026-3059809**

**Petition for Protective Order**

Dear Secretary Homsher:

On behalf of the Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division) ("CAN DO"), enclosed please find the Petition for Protective Order. Copies have been served as shown on the attached Certificate of Service.

Thank you for your attention to this filing. If you have any questions, please feel free to contact me.

Sincerely,

Cozen O'Connor

By: Dawn Kurtz Crompton  
Counsel for **Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division)**

Enclosures

cc: Administrative Law Judge Emily A. Farren  
Administrative Law Judge Steven K. Haas  
Per Certificate of Service  
Joseph Lettiere, President and CEO, CAN DO  
Raina Nichols, Director of Utilities, CAN DO

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Greater Hazleton Community :  
Area New Development Organization Inc. t/a :  
CAN DO, Inc. (Water Division), Pursuant to :  
Section 1102(a) of the Pennsylvania Public : Docket No. A-2026-3059809  
Utility Code, for Approval of (1) the Right to :  
Offer, Render, Furnish or Supply Water :  
Service To the Public in an Additional Portion :  
of Hazle Township, together with portions of :  
Sugarloaf Township and West Hazleton :  
Borough, Luzerne County, Pennsylvania and :  
(2) the Abandonment of Portions of its Water :  
Service Territory in Hazle Township, Luzerne :  
County, Pennsylvania :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 27<sup>th</sup> day of March, 2026 served a true copy of the foregoing **PETITION FOR PROTECTIVE ORDER** upon the parties, listed below and in the manner described below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Via E-mail and First Class Mail**

Lisa Logan  
293 Tomhicken Road  
Sugarloaf, PA 18249  
[Lisalogan2662@gmail.com](mailto:Lisalogan2662@gmail.com)

Respectfully submitted,



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Dawn Kurtz Crompton, Esq.  
Counsel for *Greater Hazleton Community Area  
New Development Organization Inc. t/a CAN DO,  
Inc. (Water Division)*

## VERIFICATION

I, Joseph Lettiere, President and Chief Executive Officer of Can Do, Inc., hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: March 27, 2026

  
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of Hazle Township, together with portions of :  
Sugarloaf Township and West Hazleton :  
Borough, all in Luzerne County Pennsylvania :  
and (2) the Abandonment of Portions of its :  
Water Service Territory in Hazle Township, :  
Luzerne County, Pennsylvania :

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**PETITION FOR PROTECTIVE ORDER**

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Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (Water Division) (“CAN DO”) files this petition pursuant to 52 Pa. Code § 5.365 for the protection from public disclosure of certain trade secrets or other confidential information (“Confidential Information”) that CAN DO has included in its application in the above matter and which CAN DO anticipates submitting to and exchanging with the Pennsylvania Public Utility Commission (“Commission”) and the parties during the course of these proceedings. In support, CAN DO states as follows:

**I. Procedural History**

1. On January 14, 2026, CAN DO submitted an Application for Approval of (1) the Right to Offer, Render, Furnish or Supply Water Service To the Public in an Additional Portion of Hazle Township, together with portions of Sugarloaf Township and West Hazleton Borough, Luzerne County, Pennsylvania (the “Expansion”), and (2) the Abandonment of

Portions of its Water Service Territory in Hazle Township, Luzerne County, Pennsylvania and East Union Township, Schuylkill County, Pennsylvania (the “Abandonment”).

2. As directed by a letter from Secretary Homsher, dated January 14, 2026, CAN DO published notice once a week for two consecutive weeks in a newspaper having a general circulation in the area involved and filed proof of publication with the Commission on February 11, 2026.

3. On January 22, 2026, CAN DO filed an amended application that revised Exhibit 6’s designation from Confidential Security Information to Confidential Information.

4. On February 12, 2026, Protestant Patricia Kisenwether filed a Protest in this matter.

5. On February 13, 2026, Protestant Lisa Logan filed a Protest in this matter.

6. On February 12, 2026, Protestant Jennifer Yanni filed a Protest in this matter.

7. On February 14, 2026, Protestant Jason Ritz filed a Protest in this matter.

8. On February 14, 2026, Protestant Melissa Ritz filed a Protest in this matter.

9. On February 18, 2026, CAN DO was served Data Request Set 1 by the Bureau of Technical Utility Services (“TUS”).

10. On February 25, 2026, the ALJs issued a Notice and Prehearing Order setting a Prehearing Conference for Wednesday, March 25, 2026, at 1:00 p.m.

11. On March 5, 2026, CAN DO filed Preliminary Objections to the Kisenwether Protest, seeking dismissal of the Protest due to lack of standing.

12. On March 6, 2026, CAN DO filed Preliminary Objections to the Logan Protest, the Melissa Ritz Protest, the Jason Ritz Protest, and the Yanni Protest, seeking dismissal of each of those Protests due to lack of standing.

13. On March 9, 2026, Protestant Logan filed an Answer to CAN DO's Preliminary Objection to her Protest.

14. On March 9, 2026, CAN DO filed its partial answers to the TUS Data Requests.

15. On March 9, 2026, both Melissa Ritz and Jason Ritz sought leave to withdraw their Protests.

16. On March 10, 2026, the ALJs granted both the Melissa Ritz and the Jason Ritz petitions to withdraw.

17. On March 13, 2026, CAN DO requested a continuance of the March 25, 2026 Prehearing Conference until after a decision has been rendered on all of CAN DO's pending Preliminary Objections.

18. On March 18, 2026, the ALJs denied CAN DO's request for a continuance, and noted that CAN DO's Preliminary Objections to the Kisenwether, Logan, and Yanni Protests would be ruled upon by separate orders prior to the Prehearing Conference.

19. On March 19, 2026, CAN DO amended its Application to withdraw the request to abandon a portion of CAN DO's service territory located on the border of Hazle Township and East Union Township (the "Amended Application"). As a result of this amendment, CAN DO no longer proposes any change in its service territory in East Union Township.

20. On March 20, 2026, the ALJs denied CAN DO's Preliminary Objections to the Kisenwether, Logan, and Yanni Protests.

21. On March 22, 2026, Jennifer Yanni sought leave to withdraw her Protest.

22. On March 24, 2026, the ALJs granted Jennifer Yanni's petition to withdraw.

23. On March 25, 2026, the ALJs held the Prehearing Conference at 1:00 p.m.

24. On March 25, 2026, Patricia Kisenwether sought leave to withdraw her Protest.

25. On March 24, 2026, the ALJs granted Patricia Kisenwether's petition to withdraw.

## **II. Background**

26. The Application and its Exhibits, along with additional materials that CAN DO anticipates exchanging in this proceeding pursuant to Commission rules and regulations, formal and informal discovery procedures, testimony or oral examination, or as a courtesy to parties, contain information that CAN DO considers Propriety Information.

## **III. Legal Standards**

27. Section 5.365(a) of the Commission's regulations provides that a petition for protective order will be granted "when a party demonstrates that the potential harm to the party of providing [proprietary or confidential] 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." The factors that the Commission evaluates 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. (5) Other statutes or regulations dealing specifically with disclosure of the information." *See* 52 Pa. C.S. § 5.365(a)(1)-(5).

#### **IV. The Administrative Law Judges Should Issue the Requested Protective Order**

28. Disclosure of the Confidential Information contained in the Application and in materials CAN DO anticipates will be exchanged during these proceedings would cause CAN DO unfair economic or competitive disadvantage because the information that CAN DO would seek to protect is not generally known, is valuable to CAN DO, derives value in part due to CAN DO's efforts to maintain the confidentiality of the information, could be valuable to competitors (and, in turn, harmful to CAN DO) if disclosed publicly.

29. Additionally, disclosure of the Confidential Information contained in the Application and in materials CAN DO anticipates will be exchanged during these proceedings could expose or create vulnerability to CAN DO's water system through disclosure of the location, configuration or security of portions of that public utility system.

30. The issuance of a protective order adequate to cover all parties and establish procedures in accordance with 52 Pa. Code § 5.365 for the provision of information believed to be trade secrets or other confidential information would serve administrative economy and efficiency by obviating the need for parties to address confidentiality concerns on a piecemeal basis every time confidential information is requested.


31. The proposed protective order included with this Petition is in the usual accepted form, consistent with due process rights and evidentiary burdens. It allows parties to retain the right to question or challenge the confidential nature of information; to challenge the

admissibility of Confidential Information; to refuse or object to the production of Confidential Information on any proper ground; and to seek additional measures of protection beyond those provided in the Protective Order. The Protective Order also provides that the party claiming that the information is confidential retains the burden of demonstrating that such designation is necessary and appropriate.

32. Counsel for CAN DO contacted Protestant Logan and she advised that she objects to the entry of the proposed protective order.

WHEREFORE CAN DO respectfully requests that Administrative Law Judges Emily A. Farren and Steven K. Haas enter the Protective Order included with this Petition.

Respectfully submitted,



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Jonathan P. Nase, Esquire (PA ID #44003)  
Dawn Kurtz Crompton, Esquire (PA ID #311701)  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
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Borough, all in Luzerne County Pennsylvania :  
and (2) the Abandonment of Portions of its :  
Water Service Territory in Hazle Township, :  
Luzerne County, Pennsylvania :

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**PROTECTIVE ORDER**

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THEREFORE, upon consideration of the Petition for Protective Order filed by the Applicant in the above matter and any response thereto,

IT IS ORDERED:

1. That the Petition for Protective Order is granted with respect to all materials and information identified in Paragraphs 2 and 3 below, which are filed with the Pennsylvania Public Utility Commission (“Commission”), produced in discovery, or otherwise presented during these proceedings. All persons now and hereafter granted access to the materials and information identified in Paragraphs 2 and 3 of this Protective Order shall use and disclose such information only in accordance with this Protective Order.

2. That materials subject to this Protective Order are all correspondence, documents, data, information, excerpts, summaries, 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), which a party or an affiliate of a party furnishes in this proceeding pursuant to Commission rules and regulations, formal and informal discovery procedures, testimony or oral examination, or provided as a courtesy to a party to this proceeding, which are claimed to be trade secrets or other confidential information and which are designated “Confidential Information.”

3. That Confidential Information produced in this proceeding shall be made available, solely for use in this proceeding, to Greater Hazleton Community Area New Development Organization Inc. t/a CAN DO, Inc. (“CAN DO”) and Lisa Logan. To the extent that Confidential 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 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 Protective Order. Public inspection of Confidential Information shall be permitted only in accordance with this Protective Order.

4. That Confidential Information shall be made available to counsel of record, a Protestant or any other party to this proceeding, pursuant to the following procedures:

a. Confidential Information shall be provided to a “Reviewing Representative,” who is a person who has signed Appendix A and is:

1. A Protestant;
2. An attorney who has formally entered an appearance in this proceeding on behalf of a party;

3. An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph 4a2;

4. An expert or an employee of an expert retained by a party for the purpose of advising that party or testifying in this proceeding on behalf of that party; or

5. Employees or other representatives of a party to this proceeding who have significant responsibility for developing or presenting the party's positions in this docket.

c. In accordance with the provisions of Section 5.362 of the Commission's Rules of Practice and Procedure, 52 Pa. Code § 5.362, any party may, by objection or motion, seek further protection with respect to Confidential Information, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

d. No other persons may have access to the Confidential Information except as authorized by order of the Commission or of the presiding Administrative Law Judges. No person who may be entitled to receive, or who is afforded access to any 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.

5. For purposes of this Protective Order, a Reviewing Representative may not be a "Restricted Person" absent agreement of the party producing the Confidential Information. A "Restricted Person" shall mean: (a) 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 or advising another person who has such duties; (b) 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 or advising another person who has such duties; (c) an officer, director, stockholder, owner, agent or employee of a competitor of a customer of the parties or of a competitor of a vendor of the parties if the Confidential Information concerns a specific, identifiable customer or vendor of the parties; and (d) an officer, director, stockholder, owner or employee of an affiliate of a competitor of a customer of the parties if the Confidential 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 violating the limitations of permissible use of the Confidential Information. For purposes of this Protective Order, stocks, partnership or other ownership interests valued at more than \$10,000 or constituting more than 1% interest in a business (excluding ownership interests where the expert has no direct knowledge of such interest, or control over investment or business decisions, such as a mutual fund) establishes a significant motive for violation.

6. 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, that expert must: (1) identify for the parties each Restricted Person and all personnel in or associated with the expert's firm that work on behalf of the Restricted Person; (2) take all reasonable steps to segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a Restricted Person; and (3) 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 adversely affect 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 adversely affected. No other persons may have access to the Confidential Information except as authorized by order of the Commission.

7. Prior to making Confidential Information available to any independent consultant or non-lawyer representatives, counsel or the party shall deliver a copy of this Protective Order to such person and shall receive a written acknowledgment from that person in the form attached to this Protective Order and designated as Appendix A. Counsel or the party shall promptly deliver to the producing party a copy of the executed Appendix A.

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

9. Any public reference to 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 Confidential Information to fully understand the reference and not more. The Confidential 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 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 Paragraph 9 above, shall be sealed for all purposes, including administrative and judicial review, unless such Confidential Information is released from the restrictions of this Protective Order, either through the agreement of the parties or pursuant to Order of the Administrative Law Judge(s), the Commission or

appellate court. Unresolved challenges arising under Paragraph 11 shall be decided on petition by the presiding officer(s) or the Commission as provided by 52 Pa. Code § 5.365(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.

11. The parties affected by the terms of this Protective Order shall retain the right to question or challenge the confidential nature of Confidential Information; to question or challenge the admissibility of Confidential Information; to seek an order permitting disclosure of Confidential Information beyond that allowed in this Protective Order; and to seek additional measures of protection of Confidential Information beyond those provided in this Protective Order. If a challenge is made to the designation of a document or information as Confidential Information, the party claiming that the information is Confidential Information retains the burden of demonstrating that the designation is necessary and appropriate.

12. The parties shall retain the right to object to the production of Confidential Information on any proper ground, including but not limited to irrelevance, immateriality or undue burden, and to refuse to produce Confidential Information pending the adjudication of the objection.

13. That the Commission and all parties, including the statutory advocates and any other agency or department of state government, will consider and treat the Confidential Information as within the exemptions from disclosure in Section 335(d) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 335(d), and the Pennsylvania Right-to-Know Act, 65 P.S. §§ 67.101 *et seq.* (the “RTKL”), until such information is found by a tribunal with jurisdiction to be not confidential or subject to one or more exemptions. In the event that any person or entity seeks to compel the disclosure of Confidential 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 available remedies that may be available in the event of actual or anticipated disclosure of Confidential Information.

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

15. Within 30 days after a Commission final order is entered in the above-captioned proceeding, or in the event of appeals, within thirty days after appeals are finally decided, the receiving party, 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 Confidential Information. In the event that the party elects to destroy all copies of documents and other materials containing Confidential Information instead of returning the copies of documents and other materials containing Confidential Information to the parties, upon request, the party shall certify in writing to the producing party that the Confidential Information has been destroyed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Administrative Law Judge(s)

**APPENDIX A**

**BEFORE THE  
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Luzerne County, Pennsylvania :

**ACKNOWLEDGMENT**

TO WHOM IT MAY CONCERN:

The undersigned is \_\_\_\_\_ (the receiving party).

The undersigned has read the Protective Order dated \_\_\_\_\_, 2026, and understands that it deals with the treatment of 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 paragraph 4 of the Protective Order prior to submitting this Acknowledgement.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
EMPLOYER

\_\_\_\_\_  
DATE