

**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 Utility Code, for Approval of	:	
(1) the Right to Offer, Render, Furnish or Supply	:	
Water Service to the Public in an Additional Portion	:	Docket No. A-2026-3059809
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	:	

ORDER GRANTING PETITION FOR PROTECTIVE ORDER

In this proceeding, the Greater Hazleton Community Area New Development Organization, Inc. t/a CAN DO, Inc. (Water Division) (CAN DO) is seeking Commission authority to provide 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, as well as to abandon water service to a portion of its authorized territory in Hazle Township, Luzerne County, Pennsylvania. On February 13, 2026, Lisa Logan filed a Protest to CAN DO's application.

On March 27, 2026, CAN DO filed a Petition for Protective Order (Petition), together with an attached proposed Protective Order (Proposed Order), by which it requests that its Proposed Order be approved and entered in this proceeding. By its Petition, CAN DO is seeking a mechanism for the protection of materials submitted in this proceeding that it considers and labels as either confidential or proprietary.

Of note, language in the Proposed Order provides, among other things:

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 the disclosure of Confidential Information beyond that allowed in this Protective Order; and to seek additional measures or 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.

Proposed Order, ¶ 11.

On March 30, 2026, Protestant Lisa Logan filed an Answer in Opposition to CAN DO's Petition. In her Answer, Ms. Logan argues against entry of the Proposed Order on several bases, including, *inter alia*: (1) that it does not identify specific confidential material for which it is seeking protection; (2) that CAN DO has not demonstrated substantial competitive harm; and (3) that CAN DO is attempting to shield non-confidential information. She requests, by way of relief, that the Petition be denied or, alternatively, that CAN DO be required to file a more narrowly tailored Proposed Order in which it identifies the specific documents and page numbers of the information for which it seeks protection.

Having reviewed CAN DO's Petition and attached Proposed Order, as well as Ms. Logan's Answer, we will grant CAN DO's Petition and enter the Protective Order, for the reasons set forth below.

First, the Proposed Order is similar to other Orders typically entered in proceedings before the Commission.

Second, the Proposed Order provides that, if a party submits information that it designates as "Confidential," any other party retains the right to challenge the designation. In the event such a challenge is raised, the party claiming that the information is confidential bears the burden of demonstrating that the designation is, in fact, necessary and appropriate.

Third, because the Proposed Order allows parties to this proceeding to challenge the appropriateness of a “Confidential” designation by CAN DO of any materials it submits during the course of the proceeding, entry of the Proposed Order does not preclude Ms. Logan or any other party from challenging “Confidential” designations asserted by CAN DO for information or documents submitted during the course of this proceeding.

Thus, we find that entry of the Proposed Order is appropriate here, and we will grant CAN DO’s Petition for Protective Order filed on March 27, 2026.

ORDER

THEREFORE,

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: May 4, 2026

Steven K. Haas
Administrative Law Judge

Emily A. Farren
Administrative Law Judge

APPENDIX A

**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, all in Luzerne County Pennsylvania :
and (2) the Abandonment of Portions of its :
Water Service Territory in Hazle Township, :
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

**A-2026-3059809 - APPLICATION OF GREATER HAZLETON COMMUNITY AREA
NEW DEVELOPMENT ORGANIZATION INC. T/A CAN DO, INC., PURSUANT TO
SECTION 1102(A) OF THE CODE, FOR APPROVAL OF (1) THE RIGHT TO OFFER,
RENDER, FURNISH OR SUPPLY WASTER 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) ABANDONMENT OF PORTIONS OF ITS WATER SERVICE
TERRITORY IN HAZLE TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA AND
EAST UNION TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA**

(Revised 3/27/2026)

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Served via eService May 4, 2026

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