



McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Adeolu A. Bakare
Direct Dial/Fax: 717.237.5290
abakare@mcneeslaw.com

June 12, 2026

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

VIA E-FILING

RE: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§1102(a) and 1329, for approval of (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield, Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania, Docket No. A-2025-3055741, *et al.*

Dear Secretary Homsher:

Attached please find for filing the Petition for Protective Order of Pennsylvania-American Water Company ("PAWC"), in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare'.

Adeolu A. Bakare
MCNEES WALLACE & NURICK LLC

Counsel to Pennsylvania-American Water Company

c: Administrative Law Judge Katrina L. Dunderdale
Administrative Law Judge Ann Quimby
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA EMAIL

Steven C. Gray, Esq.
Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

Christy M. Appleby, Esq.
Janna E. Williams, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
CAappleby@paoca.org
JWilliams@paoca.org

Irene Mistick
133 N. Wren Drive
Pittsburgh, PA 15241
Renie519@yahoo.com

John Logue
109 Ludwig Road
Neshannock, PA 16105
jjjair@aol.com

Lane M. Turturice, Esq.
Turturice & Associates LLC
70 E. Wheeling Street
Washington, PA 15301
lane@lmtlawyer.com
Counsel for Borough of Ohiopyle

Timothy J. Witt, Esq.
Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
tim@watsonmundorff.com
Counsel for Indian Creek Valley Water Authority



Adeolu A. Bakare

Counsel to Pennsylvania-American Water
Company

Dated this 12th day of June, 2026, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judges Katrina L. Dunderdale and Ann Quimby

Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) and 1329, for approval of (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield, Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania

Docket A-2025-3055741

PETITION FOR PROTECTIVE ORDER

Pennsylvania-American Water Company ("PAWC") files this petition pursuant to 52 Pa. Code § 5.365 for the protection from public disclosure of certain confidential and proprietary information that the parties anticipate filing and exchanging with other parties and with the Pennsylvania Public Utility Commission ("Commission") during the course of these proceedings. In support, PAWC states as follows:

I. Procedural History

1. Indian Creek Valley Water Authority ("ICVWA" or "Authority") owns and operates the water treatment and distribution system (the "System") that provides water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield,

Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania (the "Service Area"). The System's Service Area spans approximately 140 square miles.

2. PAWC submitted its Application for a Certificate of Public Convenience pursuant to 66 Pa. C.S. § 1102(a) (the "PAWC Application") on November 3, 2025. The PAWC Application is intended to (a) transfer, by sale, to PAWC, of substantially all of the assets, properties and rights related to the System, (b) PAWC's right to begin to offer, render, furnish and supply water in the Service Area and (c) PAWC's right to make effective upon closing the pro forma tariff supplement attached to the PAWC Application as Appendix A-12.

3. In response to the PAWC Application, the Office of Consumer Advocate ("OCA") filed a Protest and a Public Statement. The Office of Small Business Advocate ("OSBA") and the Borough of Ohiopyle filed Petitions to Intervene, to which PAWC did not object. Various individuals also filed Protests.

4. On March 3, 2026, the Commission issued a Secretarial Letter conditionally accepting PAWC's Application subject to PAWC providing notice of the Application and addressing additional conditions. On April 16, 2026, PAWC filed a letter attesting to completion of the customer notices and satisfaction of the conditions identified by the Commission. The Commission then issued a Secretarial Letter finally accepting PAWC's Application on April 28, 2026.

II. Background of this Petition

5. Throughout this proceeding, PAWC anticipates that the parties may exchange and/or file with the Commission documents and information in this proceeding pursuant to Commission rules and regulations, formal and informal discovery procedures, testimony or oral

examination, or as a courtesy to parties, containing information that may be considered confidential and proprietary. This information will likely include the identities of individual consumers and data regarding their consumption of the relevant services. Information exchanged in the course of this proceeding may also include the substance of, or information exchanged in the course of discussion of complete or partial settlement of the issues presented. Such information may include proprietary plans and budgetary information of one or more parties.

III. Legal Standards

6. 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 providing the confidential information (or whose information would be included in the covered documents) would be substantial and that the harm to the party or non-parties such as consumers, if the information is disclosed without restriction outweighs the public's interest in free and open access to the administrative hearing process.

7. 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 Judge Should Issue the Requested Protective Order

8. Disclosure of confidential and proprietary information contained in materials that PAWC anticipates will be exchanged during these proceedings could cause an unnecessary invasion of personal information of consumers and/or unfair economic or competitive

disadvantage to interested parties because this information is not generally known, is valuable to the producing party and/or consumers, derives value in part due to the producing party's efforts to maintain the confidentiality of the information, and could be valuable to competitors (and, in turn, harmful to the producing party or consumers if disclosed publicly).

9. 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 confidential or proprietary would serve administrative economy and efficiency by obviating the need for parties to address confidential and proprietary concerns on a piecemeal basis every time such information is requested.

10. The proposed protective order included as Appendix A with this Petition is consistent with the usual accepted form as well as due process rights and evidentiary burdens. It allows parties to retain the right to question or challenge the confidential or proprietary nature of information; to challenge the admissibility of confidential or proprietary information; to refuse or object to the production of confidential or proprietary information on any proper ground; to seek disclosure of confidential or proprietary information beyond that allowed in the Protective Order; 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 or proprietary retains the burden of demonstrating that such designation is necessary and appropriate.

11. Counsel for PAWC has contacted Counsel for the other parties, and no party has advised Counsel for PAWC that they object to the entry of the proposed protective order.

WHEREFORE PAWC requests that Administrative Law Judges Dunderdale and Quimby enter the form of Protective Order submitted as Appendix A with this Petition.

Respectfully submitted,



Elizabeth Rose Triscari (PA ID #306921)
Senior Director, Corporate Counsel
Pennsylvania-American Water Company
852 Wesley Drive, Mechanicsburg, PA 17055
Phone: 717-550-1574
E-mail: elizabeth.triscari@amwater.com

Adeolu A. Bakare (Pa I.D. 208541)
Charis Mincavage (Pa I.D. 82039)
Victoria A. Geddis (Pa I.D. 335500)
McNees Wallace & Nurick LLC
100 Pine Street, Harrisburg, PA 17101
Telephone: 717-237-5290
abakare@mcneeslaw.com
cmincavage@mcneeslaw.com
vgeddis@mcneeslaw.com

Date: June 12, 2026

Attorneys for Pennsylvania-American Water
Company

Appendix A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) and 1329, for approval of (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield, Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania

Docket A-2025-3055741

PROTECTIVE ORDER

THEREFORE, upon consideration of the petition for protective order filed by Pennsylvania-American Water Company ("PAWC"), in the above matter and any response thereto,

IT IS ORDERED:

1. That the Petition for a 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 through 4 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 of a proprietary or confidential nature and which are designated "PROPRIETARY INFORMATION" or "CONFIDENTIAL AND PROPRIETARY" or "PRIVILEGED AND CONFIDENTIAL" (hereinafter collectively referred to as "Proprietary Information").

3. That, in addition, the parties may designate extremely sensitive Proprietary Information as "HIGHLY CONFIDENTIAL INFORMATION" or "HIGHLY CONFIDENTIAL MATTER" (hereinafter referred to as "Highly Confidential Information") and thus secure the additional protections set forth in this Protective Order pertaining to such material.

a. For example, but without limitation, "Highly Confidential Information" may include Proprietary Information that constitutes or describes: (a) customer names or customer prospects' names, addresses, annual volumes of water and/or wastewater usage, or other customer-identifying information; (b) marketing plans; (c) competitive strategies or service alternatives; (d) market share projections; (e) competitive pricing or discounting information; and (f) marketing materials that have not yet been used.

4. The parties may further designate as "CONFIDENTIAL SECURITY INFORMATION" those materials, as defined in Section 2 of Act 156 of 2006, P.L. 1425, No. 156, 35 P.S. § 2141.2 *et seq.* "The Public Utility Confidential Security Information Disclosure Protection Act" the disclosure of which creates a reasonable likelihood of endangering the physical

security of public utility resources, infrastructure, facility or information storage system; and information regarding computer hardware, software and networks, including administrative and technical records, which, if disclosed, would be reasonably likely to jeopardize computer security. If the material contains "CONFIDENTIAL SECURITY INFORMATION," the Parties producing such information shall mark on each page containing such information the words "HIGHLY CONFIDENTIAL – CSI – CONTAINS CONFIDENTIAL SECURITY INFORMATION – DO NOT RELEASE."

5. That Proprietary Information, Highly Confidential Information, and Confidential Security Information produced in this proceeding shall be made available, solely for use in this proceeding, to parties in this action. To the extent that Proprietary Information, Highly Confidential Information, or Confidential Security 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, Highly Confidential Information, or Confidential Security 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 Proprietary Information, Highly Confidential Information, or Confidential Security Information shall be permitted only in accordance with this Protective Order.

6. That Proprietary Information, Highly Confidential Information, and Confidential Security Information shall be made available to counsel of record in this proceeding pursuant to the following procedures:

a. Information deemed "Proprietary" shall be provided to a "Reviewing Representative." For purposes of "Proprietary Information," a "Reviewing Representative" is a

person who has signed the Non-Disclosure attached as Appendix A Certificate (except that the Consumer Advocate, the Deputy Consumer Advocate, the Director and Chief Prosecutor of the Bureau of Investigation and Enforcement, the Small Business Advocate, and support staff in the Office of Consumer Advocate ("OCA"), the Bureau of Investigation and Enforcement ("I&E"), and the Office of Small Business Advocate ("OSBA") do not need to execute a Non-Disclosure Certificate, provided that the OCA's, the I&E's, and the OSBA's counsel execute a Non-Disclosure Certificate) and is:

- i. An attorney who has formally entered an appearance in this proceeding on behalf of a party;
- ii. An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph 6(a)(i) above;
- iii. 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;
- iv. 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; or
- v. A person mutually agreed to by the party producing the Proprietary Information and the party requesting to designate a Reviewing Representative pursuant to this subparagraph.

b. Information deemed "HIGHLY CONFIDENTIAL" shall be provided to a Reviewing Representative, provided, however that a Reviewing Representative, for purposes of "HIGHLY CONFIDENTIAL" protected material, is limited to a person who has signed the Non-Disclosure Certificate attached as Appendix B (except that the Consumer Advocate, the Deputy Consumer Advocate, the Director and Chief Prosecutor of I&E, the Small Business Advocate, and

support staff in the OCA, the I&E, and the OSBA do not need to execute a Non-Disclosure Certificate, provided that the OCA's, the I&E's, and the OSBA's counsel execute a Non-Disclosure Certificate) and is:

- i. An attorney who has formally entered an appearance in this proceeding on behalf of a party;

- ii. An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph 6(b)(i);

- iii. An outside expert or an employee of an outside expert retained by a party for the purposes of advising that party or testifying in this proceeding on behalf of that party;

- iv. A person mutually agreed to by the party producing the Highly Confidential Information and the party requesting to designate a Reviewing Representative pursuant to this subparagraph.

- c. Provided, further, that in accordance with the provisions of Sections 5.362 and 5.431(e) of the Commission's Rules of Practice and Procedure, 52 Pa. Code §§ 5.362 and 5.431(e), any party may, by objection or motion, seek further protection with respect to HIGHLY CONFIDENTIAL protected material, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

- d. Information and materials deemed as "CONFIDENTIAL SECURITY INFORMATION" may be provided to a "Reviewing Representative" who has signed a Non-Disclosure Certificate attached as Appendix B and who is:

- i. An attorney who has formally entered an appearance in this proceeding on behalf of a party;

ii. An attorney, paralegal, or other employee associated for purposes of this case with an attorney described in subparagraph 6(b)(i);

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

e. "CONFIDENTIAL SECURITY INFORMATION" will only be provided for inspection via in-person review at the offices of McNees Wallace Nurick LLC, 100 Pine St., Harrisburg, PA 17101, or upon request of a statutory advocate or an attorney for a statutory advocate, at another location in the Harrisburg-metro area of the Commonwealth or through a secure remote viewing process (if reasonably feasible in the sole discretion of PAWC), between the hours of 9 A.M. to 5 P.M., Monday through Friday. Such a review may be proctored, and the Reviewing Representatives are prohibited from reproducing such information in any form without the prior authorization of the Company's counsel (including taking detailed notes, making photocopies, or taking pictures).

f. If a statutory advocate determines that it is necessary to use "CONFIDENTIAL SECURITY INFORMATION" as part of their presentation of evidence in this proceeding, such statutory advocate shall request a copy from counsel for the Company, which permission shall not be unreasonably withheld and subject to that Party confirming it understands and will abide by the terms of the Agreement concerning use of such materials.

g. With regard to I&E, OCA, and OSBA, information and materials deemed as "CONFIDENTIAL SECURITY INFORMATION" shall be made available to the I&E Prosecutors, OCA Attorneys, and OSBA Attorneys, subject to the terms of this Agreement. The I&E Prosecutors, OCA Attorneys, and OSBA Attorneys, shall use or disclose the "CONFIDENTIAL SECURITY 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 Prosecutors, OCA Attorneys, and OSBA Attorneys may afford access to "CONFIDENTIAL SECURITY INFORMATION" only to the Chief Prosecutor and Deputy Chief Prosecutor, the Consumer Advocate and Deputy Consumer Advocate, and the Small Business Advocate, respectively, as well as their experts, supervisors of experts, and administrative support staff without the need for the execution of a Non-Disclosure Certificate who are full-time employees of the Commission, OCA, or OSBA and bound by all the provisions of this Agreement by virtue of the I&E Prosecutors', OCA Attorneys', and OSBA Attorneys' execution of a Non-Disclosure Certificate.

h. Provided, further, that in accordance with the provisions of Sections 5.362 and 5.431(e) of the Commission's Rules of Practice and Procedure, 52 Pa. Code §§ 5.362 and 5.431(e), any party may, by objection or motion, seek further protection with respect to "CONFIDENTIAL SECURITY INFORMATION," including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties.

i. No other persons may have access to the Proprietary, Highly Confidential Information, or Confidential Security Information except as authorized by order of the Commission or of the presiding Administrative Law Judge(s). No person who may be entitled to receive, or who is afforded access to any Proprietary Information, Highly Confidential Information, or Confidential Security 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.

j. In the event that a receiving party wishes to designate as a Reviewing Representative for "PROPRIETARY" or "HIGHLY CONFIDENTIAL" material a person not

described in paragraphs 6(a)(i) through (iv) or 6(b)(i) through (iii) above, the receiving party must first seek agreement to do so from the disclosing party. If an agreement is reached, the designated individual shall be a Reviewing Representative pursuant to Paragraph 6(a)(v) or 6(b)(iv) above with respect to those materials. If no agreement is reached, the Party may submit the disputed designation to the presiding Administrative Law Judge(s) for resolution.

7. For purposes of this Protective Order, a Reviewing Representative may not be a "Restricted Person" absent agreement of the party producing the Proprietary Information, Highly Confidential Information, or Confidential Security 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 Proprietary Information, Highly Confidential Information, or Confidential Security 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 Proprietary Information, Highly Confidential Information or Confidential Security 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

Proprietary Information, Highly Confidential Information, or Confidential Security 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.

8. 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 Proprietary Information, Highly Confidential Information, or Confidential Security Information except as authorized by order of the Commission.

9. Prior to making Proprietary Information, Highly Confidential Information, or Confidential Security 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 a written acknowledgment from that person in the forms attached to this Protective Order and designated as Appendices A and/or B. Counsel shall promptly deliver to the producing party a copy of the executed forms.

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

11. Any public reference to Proprietary Information, Highly Confidential Information, or Confidential Security 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 Proprietary Information, Highly Confidential Information, or Confidential Security Information to fully understand the reference and not more. The Proprietary Information, Highly Confidential Information or Confidential Security Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

12. Part of any record of this proceeding containing Proprietary Information, Highly Confidential Information, or Confidential Security 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 10 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information, Highly Confidential Information or Confidential Security 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 12 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.

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

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

15. That the Commission and all parties, including the statutory advocates and any other agency or department of state government, will consider and treat the Proprietary Information, Highly Confidential Information, or Confidential Security 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 Proprietary, Highly Confidential, or Confidential Security 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 Proprietary Information or Highly Confidential Information. Any public reference to Proprietary Information, Highly Confidential Information, or Confidential Security 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 information to understand fully the reference and not more. The Proprietary Information, Highly Confidential Information, and Confidential Security Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

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

17. 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 Proprietary Information, Highly Confidential Information, or Confidential Security Information. In the event that the party elects to destroy all copies of documents and other materials containing Proprietary Information, Highly Confidential Information, or Confidential Security Information instead of returning the copies of documents and other materials to the parties, upon request, the party shall certify in writing to the producing party that the Proprietary Information, Highly Confidential Information, and Confidential Security Information has been destroyed.

Dated: _____

Administrative Law Judge

**APPENDIX A
NON-DISCLOSURE CERTIFICATE FOR
CONFIDENTIAL INFORMATION**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) and 1329, for approval of (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield, Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania

DOCKET A-2025-3055741

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 Information. The undersigned agrees to be bound by, and to comply with, these 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 6 of the Protective Order prior to submitting this Acknowledgement.

SIGNATURE

PRINT NAME

ADDRESS

EMPLOYER

DATE

APPENDIX B
NON-DISCLOSURE CERTIFICATE FOR
HIGHLY CONFIDENTIAL AND CONFIDENTIAL SECURITY INFORMATION

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) and 1329, for approval of (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield, Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania

DOCKET A-2025-3055741

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 Highly Confidential Information and Confidential Security Information. The undersigned agrees to be bound by, and to comply with, these 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 6 of the Protective Order prior to submitting this Acknowledgement.

SIGNATURE

PRINT NAME

ADDRESS

EMPLOYER

DATE