STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

CYNTHIA LEE ALMOND, PRESIDENT
JEREMY H. ODEN, COMMISSIONER, PLACE 1
CHRIS V. BEEKER III, COMMISSIONER, PLACE 2

LUKE D. BENTLEY IV, EXECUTIVE DIRECTOR

ALABAMA WATER UTILITIES, INC., SHELBY RIDGE UTILITY SYSTEMS LLC,

Petitioners.

PETITION: FOR APPROVAL OF TARIFF REVISIONS ADJUSTING RATES AND ADOPTION OF RATE STABILIZATION AND EQUALIZATION PLAN

DOCKET 33525

CASE NO. 2026-2

PROTECTIVE ORDER GOVERNING CONFIDENTIAL INFORMATION

This matter comes before the Alabama Public Service Commission upon the Motion of Alabama Water Utilities, Inc. and Shelby Ridge Utility Systems, LLC for entry of a protective order governing confidential information in this proceeding. Upon consideration of the Motion, and for good cause shown, the following Protective Order is entered.

1. Purpose and Scope.

This Protective Order governs the designation, production, review, filing, use, and disclosure of Confidential Information in this proceeding. The purpose of this Protective Order is to allow the Commission, Commission Staff, the Office of the Attorney General, and parties of record to review information reasonably necessary to the development of a complete record while preserving appropriate confidentiality protections for information entitled to such treatment. This Protective Order applies to discovery responses, testimony, exhibits, workpapers, data responses, contracts, nonpublic financial information, operational information, customer-specific information, security-sensitive information, third-party confidential information, and any other material produced, filed, or used in this proceeding and designated as Confidential Information or Highly Confidential Information under this Protective Order.

2. Definitions.

"Producing Party" means any party or person producing or filing information in this proceeding.

"Receiving Party" means any party or person receiving information designated under this Protective Order.

"Confidential Information" means information designated by a Producing Party, after a good-faith determination by counsel, as containing trade secrets, proprietary business information, competitively sensitive information, nonpublic financial or operational information, customer-specific information, security-sensitive information, third-party confidential information, or other information entitled to protection from unrestricted public disclosure under applicable law, Commission rule, contractual obligation, or other recognized basis for confidentiality.

"Highly Confidential Information" or "Attorneys' Eyes Only Information" means Confidential Information that counsel for the Producing Party has determined in good faith requires additional protection because disclosure beyond counsel, Commission Staff, the Office of the Attorney General, retained experts or consultants, or other persons approved by the Administrative Law Judge or Commission would create a substantial risk of competitive injury, violate a third-party confidentiality obligation, disclose sensitive customer or security information, or otherwise cause substantial harm.

3. Information Not Subject to Confidential Treatment.

Confidential Information shall not include information that:

a. is publicly available at the time of disclosure;
b. becomes publicly available other than through a violation of this Protective Order;
c. was lawfully in the possession of the Receiving Party without restriction before disclosure by the Producing Party;
d. is obtained lawfully from a third party without restriction and without violation of any known confidentiality obligation;
e. is independently developed without use of the designated material; or
f. is determined by the Commission, the Administrative Law Judge, or a court of competent jurisdiction not to warrant confidential treatment.

4. Good-Faith Designation by Counsel.

A designation of material as Confidential Information or Highly Confidential Information shall reflect a good-faith determination by counsel for the Producing Party that the designated material is entitled to protection

under this Protective Order. A designation may be made by marking the material "Confidential," "Confidential - Subject to Protective Order," "Highly Confidential," "Attorneys' Eyes Only," or by other markings reasonably calculated to notify recipients of the designation.

Mass, blanket, or indiscriminate designations are disfavored. The Producing Party shall make reasonable efforts to limit designations to material for which confidential treatment is actually claimed.

5. Use of Confidential Information.

Confidential Information may be used solely for purposes of this proceeding and any related rehearing, appeal, remand, or further Commission proceeding involving the same subject matter, unless otherwise authorized by the Producing Party, the Administrative Law Judge, the Commission, or a court of competent jurisdiction.

No person receiving Confidential Information may use such information for any business, commercial, competitive, personal, or other purpose unrelated to this proceeding.

6. Persons Authorized to Review Confidential Information.

Unless otherwise ordered, Confidential Information may be disclosed only to:

a. the Commission, the Administrative Law Judge, and Commission Staff;
b. counsel of record for parties of record, including attorneys for the Office of the Attorney General;
c. employees, paralegals, legal assistants, and other staff of counsel of record whose assistance is reasonably necessary in this proceeding;
d. employees or representatives of a party of record whose review is reasonably necessary for the conduct of this proceeding and who have executed the acknowledgment attached as Exhibit A, unless otherwise agreed or ordered;
e. outside experts or consultants retained or consulted for purposes of this proceeding who have executed the acknowledgment attached as Exhibit A;
f. witnesses or potential witnesses, but only to the extent reasonably necessary for preparation or testimony in this proceeding and after execution of the acknowledgment attached as Exhibit A;
g. court reporters, videographers, hearing reporters, litigation-support vendors, and similar persons reasonably necessary for the conduct of this proceeding; and
h. any other person authorized by the Producing Party, the Administrative Law Judge, the Commission, or a court of competent jurisdiction.

7. **Access to Highly Confidential or Attorneys' Eyes Only Information.**

Highly Confidential Information or Attorneys' Eyes Only Information may be disclosed only to:

a. the Commission, the Administrative Law Judge, and Commission Staff;
b. counsel of record for parties of record, including attorneys for the Office of the Attorney General;
c. employees, paralegals, legal assistants, and other staff of counsel of record whose assistance is reasonably necessary in this proceeding;

d. outside experts or consultants retained or consulted for purposes of this proceeding who have executed the acknowledgment attached as Exhibit A and who are not engaged in competitive decision-making or other activities that would create an unreasonable risk of misuse of the information;
e. court reporters, hearing reporters, litigation-support vendors, and similar persons reasonably necessary for the conduct of this proceeding; and
f. any other person authorized by the Producing Party, the Administrative Law Judge, the Commission, or a court of competent jurisdiction.

A party may challenge a Highly Confidential or Attorneys' Eyes Only designation under the procedures set forth in this Protective Order.

8. Acknowledgment.

Before any outside expert, consultant, witness, potential witness, party representative, or other non-governmental reviewing person receives Confidential Information or Highly Confidential Information, that person shall be provided a copy of this Protective Order and shall execute the Acknowledgment attached as Exhibit A.

Counsel providing Confidential Information to any person shall retain the executed acknowledgment and shall provide a copy to the Producing Party upon reasonable request, except to the extent disclosure of the identity of a consulting expert not expected to testify would reveal protected work product or trial-preparation information. In such event, counsel shall confirm in writing that the person has executed the acknowledgment and is bound by this Protective Order.

9. Filing Confidential Information.

A party filing testimony, exhibits, pleadings, briefs, workpapers, or other materials containing Confidential Information shall, where practicable, file a public redacted version and a confidential unredacted version clearly marked for confidential treatment. The confidential version shall be filed under seal, submitted separately, or otherwise handled in accordance with the procedures of the Commission or directions of the Administrative Law Judge.

The filing of a public redacted version shall not constitute an admission by any party that the redacted material is properly designated as confidential, nor shall it waive any right to challenge the designation.

10. Use at Hearing.

Confidential Information may be used in testimony, exhibits, cross-examination, argument, and other hearing presentation, subject to this Protective Order and any further direction of the Administrative Law Judge or Commission.

A party intending to use or refer to Confidential Information at hearing shall provide reasonable advance notice to the Producing Party and the Administrative Law Judge, where practicable. Upon such notice, the Producing Party may request appropriate procedures for protection of the information, including redaction, sealed exhibits, in camera presentation, limitation of disclosure, or confidential treatment of the relevant portion of the transcript.

The designation of material as Confidential Information shall not, by itself, determine admissibility, preclude use at hearing, or establish that the material is entitled to continued confidential treatment if challenged.

11. Challenge to Confidentiality Designations.

A Receiving Party is not required to challenge a designation at the time it is made, and failure to challenge a designation shall not waive any later challenge.

If a Receiving Party challenges a designation, the parties shall first confer in good faith to attempt to resolve the dispute. If the dispute is not resolved, the Producing Party or the challenging party may request a ruling from the Administrative Law Judge or Commission.

The Producing Party bears the burden of demonstrating that challenged material is entitled to confidential treatment. Until the dispute is resolved, the material shall continue to be treated according to its designation.

12. Inadvertent Failure to Designate.

An inadvertent failure to designate material as Confidential Information or Highly Confidential Information shall not, standing alone, waive the right to seek such treatment. Upon notice of the inadvertent failure, the Receiving Party shall make reasonable efforts to treat the material according to the corrected designation from that point forward.

13. Inadvertent Disclosure of Privileged or Protected Material.

The inadvertent production or disclosure of material subject to attorney-client privilege, work-product protection, or any other applicable privilege or protection shall not constitute a waiver if the Producing Party promptly notifies the Receiving Party of the inadvertent production. Upon such notice, the Receiving Party shall return, sequester, or destroy the material, including copies, and shall not use or disclose the material unless and until the claim of privilege or protection is resolved.

Nothing in this paragraph prevents a Receiving Party from challenging the claim of privilege or protection before the Administrative Law Judge, Commission, or court of competent jurisdiction.

14. Subpoena or Other Demand for Confidential Information.

If a Receiving Party receives a subpoena, public-record request, civil investigative demand, discovery request, court order, or other demand seeking Confidential Information produced by another party, the Receiving Party shall, to the extent legally permissible, provide prompt notice to the Producing Party so that the Producing Party may seek appropriate protection. The Attorney General's Office shall take immediate action to share any documents with law enforcement partners without any notice to the Producing Party if any documents indicate or provide evidence that a crime has been committed. Nothing in this Protective Order shall require any governmental entity to violate applicable law, public-record obligations, court order, or other legal duty.

15. Record Retention; Return or Destruction.

Within a reasonable time after final disposition of this proceeding, including rehearing, appeal, remand, or related proceedings, persons receiving Confidential Information shall return or destroy such material upon reasonable request of the Producing Party.

Notwithstanding the foregoing, the Commission, Commission Staff, and the Office of the Attorney General may retain Confidential Information as required by law, official-record obligations, public-record obligations, litigation holds, internal record-retention policies, or other governmental obligations, provided that retained materials remain subject to this Protective Order to the extent permitted by law.

Counsel of record may retain archival copies of pleadings, correspondence, testimony, exhibits, attorney work product, deposition transcripts, hearing transcripts, and filings containing or reflecting Confidential Information, provided such materials remain subject to this Protective Order.

16. No Waiver; No Admission.

The designation or treatment of material as Confidential Information or Highly Confidential Information shall not constitute an admission that the material is relevant, admissible, material, or entitled to confidential treatment in any other proceeding or context. Production of Confidential Information under this Protective Order shall not waive any objection, privilege, confidentiality claim, or other protection otherwise available under law.

17. Continuing Effect.

This Protective Order shall remain in effect after the conclusion of this proceeding unless modified by the Commission, the Administrative Law Judge, or a court of competent jurisdiction.

18. Modification.

The Administrative Law Judge or Commission may modify this Protective Order upon motion, agreement of the parties, or its own initiative as necessary for the orderly conduct of this proceeding or the protection of information entitled to confidential treatment.

IT IS SO RULED.

DONE at Montgomery, Alabama, this 12th day of November, 2026.

LDB IV

Luke D. Bentley IV
Chief Administrative Law Judge

c: All parties of record