NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE
OFFICE OF RENEWABLE ENERGY SITING
AND ELECTRIC TRANSMISSION

ORES DMM Matter No. 25-01765 - Application of RWE SOLAR DEVELOPMENT, LLC, for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 150-Megawatt (MW) Solar Energy Facility Known as the NY Cow Bell Solar Project Located in the TOWN OF FLORIDA, MONTGOMERY COUNTY.

RULING ADOPTING PROTECTIVE ORDER

(Issued May 22, 2026)

JAMES T. McCLYMONDS, Chief Administrative Law Judge for Article VIII Siting:

To facilitate the parties' access to information that is alleged to be confidential by the party providing it, expedite discovery, and maintain the Administrative Law Judge's role in making an independent determination as to the eligibility of such information for protection under the Freedom of Information Law (Public Officers Law §§ 84 et seq.), as implemented by part 6 of the Rules of the Public Service Commission (16 NYCRR 6-1.1 et seq.), the attached Protective Order is hereby adopted.

(SIGNED) JAMES T. McCLYMONDS
Chief Administrative Law Judge for
Article VIII Siting

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ORES DMM Matter No. 25-01765 - Application of RWE SOLAR DEVELOPMENT, LLC, for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 150-Megawatt (MW) Solar Energy Facility Known as the NY Cow Bell Solar Project Located in the TOWN OF FLORIDA, MONTGOMERY COUNTY.

PROTECTIVE ORDER

(Adopted by Ruling Issued on May 22, 2026)

PURPOSE

1. The purpose of this Protective Order is to facilitate the Participants' involvement in and the expeditious conduct of this proceeding by making information alleged to be confidential available to the parties promptly, without adversely affecting any party's legitimate interests in either maintaining or challenging the confidentiality of the Protected Information.

DEFINITIONS

For the purposes of this Protective Order:

2. "Protected Information" is information that is submitted to the New York State Office of Renewable Energy Siting and Electric Transmission (ORES or the Office) by a Participant to this proceeding under cover of a claim that it should be protected from public disclosure under the Freedom of Information Law (FOIL), Public Officers Law (POL) article 6, as implemented by part 6 of title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York (16 NYCRR) and the procedures outlined in Paragraph 8 below regarding a Request for Protected Status. "Protected Information" also includes any information learned on any site visit to the project area about the location of any threatened or endangered species, or species of special concern, or location or characteristics of the habitat of such species which is then submitted to ORES.

a. "Critical energy infrastructure information" or "CEII" is Protected Information as defined by and exempt from disclosure pursuant to Federal Power Act § 215A(d) (codified at 16 USC 824*o*-1[d]). As provided further below, CEII is exempt from the sharing of Protected Information procedures of this Order. Any disclosure of CEII, including any System Reliability Impact Study (SRIS), must be handled in accordance with the requirements of the Federal Power Act.

b. Any Site Security Plan is "critical infrastructure information" or "CII" as defined by POL § 86(5) and is exempt from disclosure pursuant to POL § 87(2)(f) and (i). As provided further below, any Site Security Plan is exempt from the sharing of Protected Information procedures of this Order.

c. As provided further below, local agency account fund vouchers and invoices submitted pursuant to 16 NYCRR 1100-5.1(f) to the Administrative Law Judge for in camera review are exempt from the sharing of Protected Information procedures of this Order.

3. A "Participant" is a party to the proceeding or, prior to a ruling on party status, any potential party appearing on the party list for the proceeding that may seek party status (see 16 NYCRR 1100-1.2[bl]).

4. The "submission" of documents refers to any means by which a Participant to this proceeding transfers documents, including discovery, into the possession of ORES. The submission of a document does not necessarily make the document part of the formal record of the proceeding unless the document is required to be filed (see "filing" below). For example, discovery questions and answers are documents that are not a part of the formal record when submitted. Discovery questions and answers are not filed in ORES proceedings and do not become part of the formal record unless a Participant tenders them as an exhibit through an evidentiary hearing or similar process.

5. The "filing" of documents refers only to the process whereby a person tenders a document for inclusion in the formal record of this proceeding as maintained by ORES. Filed documents include documents that are part of the official record of the proceeding under 16 NYCRR 1100-8.11(b) or are otherwise required by 16 NYCRR part 1100 to be filed with the Office. Instructions on how to register

on the party list and file documents through the Department of Public Service's (DPS's) Document and Matter Management (DMM) system may be found at: https://dps.ny.gov/dmm-login-document-and-matter-management-system.

The DMM system accepts and stores both public and confidential documents in the formal record of a proceeding, and both public and confidential documents filed on the DMM are considered filed with ORES. Documents that are "filed" are a subset of total documents that are submitted to ORES. ORES posts public documents submitted for filing under the "Filed Documents" tab on the DMM permit application page for the proceeding. Confidential documents are documents that are not subject to public disclosure by statute, regulation or understanding, and will be identified and filed subject to the terms of this Protective Order.

6. For purposes of this Protective Order, "State Agency" means any State or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office, or other governmental entity performing a governmental or proprietary function for the State, or any one or more municipalities thereof, except the judiciary or the State legislature.

7. "Administrative Law Judge" means the Administrative Law Judge or Judges assigned to the matter or, if an Administrative Law Judge has not been assigned, the Chief Administrative Law Judge.

PROCESS FOR SUBMISSION AND SHARING OF PROTECTED INFORMATION

8. For information submitted to ORES to qualify as Protected Information, the Participant submitting the information (Providing Party) must submit to the Administrative Law Judge a contemporaneous, written request (Request for Protected Status) that:

   a. clearly and specifically identifies the information the Providing Party believes is protected;

   b. briefly describes how the information meets the criteria for exemption from public disclosure under FOIL and the Rules of the Public Service Commission implementing it, or any other criteria; and

   c. identifies to which parties the Protected Information

has already been provided or will be provided during the application process.

The Protected Information itself shall be submitted to the Administrative Law Judge together with the Request for Protected Status.

9. Only the Request for Protected Status itself must be served on all Participants appearing on the DMM party list for this proceeding. A Providing Party should not include the Protected Information itself. A Providing Party should endeavor in all cases to prepare a Request for Protected Status that does not, itself, include Protected Information, so that the Request for Protected Status can be served on all Participants and, if appropriate, publicly filed, as outlined below. If that is not possible, a Providing Party shall prepare redacted and unredacted versions of the Request for Protected Status, and only the redacted version should be served on Participants not entitled to receive Protected Information. The Request for Protected Status does not need to be filed with the Secretary unless the Protected Information is included in a document to be filed with the Secretary.

   For application materials, the Request for Protected Status must also be served and filed pursuant to 16 NYCRR 1100-1.6(a).

10. The Participant making a Request for Protected Status must provide the Protected Information directly to ORES staff and to counsel for those parties who have served and filed a signed Acknowledgement pursuant to Paragraph 14 of this Protective Order at the same time it submits the Request for Protected Status. The Participant must also provide the Protected Information directly to State Agencies that have requested access.

    a. On receipt of a signed Acknowledgement or request for access by a State Agency, a Providing Party must provide all Protected Information previously submitted to ORES with a Request for Protected Status to the party serving the Acknowledgement and to all State Agencies requesting access or, pursuant to Paragraph 18 of this Protective Order, file and serve on the DMM party list a written justification for its belief that such party is among the persons for whom exceptions to disclosure of the Protected Information are or should be established.

b. The Participant making a Request for Protected Status regarding the filing of CEII, including any SRIS, or CII, including any Site Security Plan, must provide the Protected Information directly to ORES staff. CEII and CII are exempt from disclosure under this Protective Order and must not be provided to any other Participants other than ORES staff.

c. The Participant making a Request for Protected Status regarding the submission of local agency account fund vouchers and invoices to the Administrative Law Judge for in camera review pursuant to 16 NYCRR 1100-5.1(f) must submit the Protected Information directly to the Administrative Law Judge. Local agency account fund vouchers and invoices are exempt from disclosure under this Protective Order and must not be provided to any other Participants.

11. The Request for Protected Status needs to be filed for posting on the DMM system only if the Protected Information is included in a document to be filed for posting on the DMM system. Further details about filing documents are outlined in Paragraph 25.

12. The cover page of any document containing Protected Information shall be clearly marked "CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER IN ORES DMM Matter No. 25-01765." In addition, each page of a document on which Protected Information appears should be clearly marked "CONFIDENTIAL – CONTAINS PROTECTED INFORMATION." In a sentence where confidential information is to be revealed, the sentence should flag the precise confidential information by including **BEGIN CONFIDENTIAL INFORMATION < > END CONFIDENTIAL INFORMATION** where appropriate so that a redacted version with identical line numbering and pagination can be prepared from it as necessary. For example, "As shown on Exhibit RBG-1, Applicant forecasts that, once it is fully operational, its production cost will be **BEGIN CONFIDENTIAL INFORMATION <**$40**> END CONFIDENTIAL INFORMATION** per MWH on an average annual basis."

ACCESS TO PROTECTED INFORMATION

13. Any Participant that: (a) has requested the information or normally would be entitled to service of such under 16 NYCRR subpart 1100-8 and (b) is not a party that would

benefit from access to the Protected Information by reason of being a competitor or having an adverse business interest to the Providing Party is entitled to access to Protected Information under this Protective Order, except for CEII and CII, which does not fall under this Protective Order. Participants receiving Protected Information under this Protective Order are "Receiving Parties."

14. Except as provided in subparagraphs (a) and (b) below, to access Protected Information, counsel or an authorized representative of a Receiving Party, including any consultants in their employ, must execute the Acknowledgment attached hereto as Attachment A, file the signed Acknowledgment on the DMM system, and contemporaneously serve it on all other Participants appearing on the party list and the Administrative Law Judge. Counsel or other authorized representative that has signed the Acknowledgment on behalf of the Receiving Party is responsible for ensuring that the Participant's officers, principals, employees, agents, and consultants are familiar with and understand the obligation to abide by the terms of this Protective Order.

    a. Staff of the Office of Renewable Energy Siting and Electric Transmission (Office staff) is subject to and is familiar with the provisions of Public Officers Law § 74, which provides for disciplinary action, fine, or prosecution for the disclosure of confidential information. Office staff is not required to execute the Acknowledgement in this Protective Order to have access to Protected Information but is otherwise bound by the terms of this Protective Order.

    b. New York State Agencies[1] and Municipalities[2] may participate in this proceeding in the same manner as any other intervenor-party. Like Office staff, State Agencies are subject to both POL § 74 and FOIL. Similarly, Municipalities are subject to both article 18 of the General Municipal Law[3] and FOIL. Therefore, State Agencies and Municipalities are not required to execute the Acknowledgement in this Protective Order to have access to Protected Information, but otherwise remain bound by the terms of this Protective Order.

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[1] As defined in Public Officers Law § 74.
[2] As defined in General Municipal Law § 800(4).
[3] See General Municipal Law § 805-a(1)(b).

15. A Receiving Party's consultant or other expert who is not an employee or agent of the Receiving Party, but is retained to assist the Receiving Party in its participation in this proceeding, is an "Outside Consultant." If an Outside Consultant desires to obtain access to Protected Information, the Receiving Party shall:

    a. Provide the Outside Consultant with a copy of this Protective Order;

    b. Obtain from the Outside Consultant an executed Consultant Protective Agreement, attached to this Protective Order as Attachment B;

    c. File a copy of the executed Consultant Protective Agreement on the DMM system and contemporaneously serve it on all other Participants and the Administrative Law Judge;

    d. Notify the Providing Party of its intention to make Protected Information available to the Outside Consultant; and

    e. Obtain the consent of the Providing Party, which consent may not be unreasonably withheld. If the Providing Party does not object to the notice within five (5) business days following the filing of the Consultant Protective Agreement, consent to such access will be deemed granted. If the Providing Party does object to the provision of any or all of its Protected Information to the Outside Consultant, the Administrative Law Judge will resolve the objection consistent with the procedures at 16 NYCRR 6-1.3(f).

16. Counsel or an authorized representative of record of a Receiving Party may, on a need-to-know basis and solely for the purposes of this proceeding, provide access to Protected Information to the following persons, subject to the conditions set forth in this Protective Order:

    a. Persons employed by the Receiving Party; and

    b. Persons not employed by the Receiving Party but who are identified by that party as Outside Consultants participating in this proceeding on behalf of that party, provided that each such person, their counsel, or designated representative, has executed the Consultant Protective Agreement and a copy of that

Agreement has been filed and served on all other parties pursuant to Paragraph 15.

17. When executing the Acknowledgement, a Participant may indicate that it does not want to receive all Protected Information automatically. The purpose of this provision is to relieve Participants with limited interests in this proceeding from the obligation to safeguard unwanted information. In lieu of the Protected Information itself, the Providing Party will send Participants that have elected this option a notice of the availability of Protected Information and a brief description of the nature of the information. Participants who receive this notice may request all or some of the described information at any time during this proceeding. The Providing Party has no obligation to make it available until such request is received.

18. A Providing Party may opt not to supply Protected Information to Participants that have executed the Acknowledgement, if the Providing Party has a good-faith belief that such Participants are not qualified to be Receiving Parties, as described in Paragraph 13 of this Protective Order. To exercise this option, the Providing Party shall file and serve on the party list within five (5) days of receiving notification of a Participant to whom they object, a written justification for its belief that such Participants are among the persons for whom exceptions to disclosure of the Protected Information are or should be established. If such Participants object to the withholding of the Protected Information by the Providing Party, the parties are expected to make good-faith efforts to resolve any dispute as to the Receiving Party's eligibility, however, if they cannot reach agreement within five (5) days of service of the written justification, the matter must be brought to the Administrative Law Judge for resolution.

SAFEGUARDING PROTECTED INFORMATION

19. All Participants, including their officers, principals, employees, consultants, and agents, are bound by this Protective Order.

20. No Participant shall disclose, copy or otherwise reproduce, or use Protected Information for any purpose other than that authorized by this Protective Order.

21. No duplication or reproduction of the Protected Information may be made beyond that which is necessary to give access to the persons authorized by the provisions of this Protected Order. Persons who are provided with access to Protected Information pursuant to this Protective Order may take notes regarding such information to the extent necessary in connection with this proceeding, and should label such notes "Confidential." The protections afforded to Protected Information apply not only to the originally provided document or file in which it was contained, but also to any subsequent documents, notes, recordings, electronic files, or other media in which it may be incorporated, including copies generated by automated back-up systems for computer workstations and network data storage devices.

22. All Participants in possession of Protected Information must safeguard it from public disclosure in accordance with the terms, purposes, and intent of this Protective Order and applicable laws. To this end, persons having custody of any Protected Information shall keep all copies and notes of Protected Information segregated physically under lock, electronically under password protection or encryption, or otherwise properly secured when they are not being actively reviewed.

23. With the exception stated here, no person receiving Protected Information may use such information for any purpose other than preparation for and participation in this proceeding, and then solely as contemplated in this Protective Order. The exception to this restriction is that Office staff, staff of the Department of Environmental Conservation (DEC), and staff of the Department of Public Service (DPS) may use Protected Information received in the course of this proceeding for other purposes and in other proceedings, but only to the extent that Office staff, DEC staff, or DPS staff otherwise would be entitled to receive such Protected Information either in the course of the ongoing regulatory functions of ORES, DEC, or DPS generally or specifically in their roles as trial or advisory staff in a proceeding before ORES, before the Commissioner of the DEC, or before the Public Service Commission.

USE OF PROTECTED INFORMATION IN THIS PROCEEDING

24. Any Participant may rely upon, quote, cite to, ask questions about, dispute, criticize, and otherwise use Protected Information in the conduct of this case, so long

as such Participant maintains its confidentiality consistent with this Protective Order, through measures required by this Protective Order, including the preparation of Redacted and Unredacted Versions, proper labeling of Protected Information, restricted sharing of Protected Information, and proper storage and safekeeping of Protected Information.

25. Filed Documents: Parties may refer to Protected Information in briefs, motions, pre-filed testimony, exhibits, or other materials filed in this proceeding. When a Participant includes Protected Information in a filed document, the filing Participant must adhere to the following procedure:

a. The filing Participant shall file a Request for Protected Status identifying all Protected Information contained in its filing. This applies even if a Request for Protected Status with respect to the Protected Information previously was submitted to the Administrative Law Judge.

b. If the filing Participant received the Protected Information under the terms of this Protective Order, the filing Participant shall prepare a Request for Protected Status identifying the Providing Party and appending the Providing Party's previously submitted Request for Protected Status.

c. The filing Participant must prepare separate versions that include and omit the Protected Information (the Unredacted Version and the Redacted Version, respectively). The versions must be identical in pagination and formatting, differing only in the presence or absence of the Protected Information. The Unredacted Version must bear a conspicuous notation on the cover page and on each page bearing Protected Information, as described in Paragraph 12. The Unredacted Version will be treated as Protected Information pursuant to this Protective Order; the Redacted Version will be treated as a public, non-confidential document. The Unredacted Version should be served only upon those Participants entitled to receive Protected Information under the terms of this Protective Order, while the Redacted Version, and the Request for Protected Status, shall be served on all other Participants. The filer shall file both the Redacted and Unredacted Versions electronically in

accordance with the capability of the DMM to accept a confidential document for filing.

26. Where a document containing Protected Information is submitted but not filed, such as a document exchanged in discovery, the Providing Party must prepare a Redacted Version and provide the Redacted Version to any Participant that is precluded from receiving an Unredacted Version under Paragraphs 13, 17, or 18 of this Protective Order.

27. Where a Receiving Party intends to use Protected Information provided by a Providing Party in a filed document, such as in pre-filed testimony, a hearing exhibit, or a brief, the Receiving Party shall give the Administrative Law Judge and the Providing Party at least five (5) business days' notice prior to the filing deadline. Thereafter, the Providing Party and the Receiving Party promptly shall confer in good faith on ways that might enable the Receiving Party to submit a public document, such as the waiver of the Providing Party's claim of confidentiality as to particular pieces of information or the creation of a redacted version that meets the Receiving Party's need to convey information with equal effectiveness, so that the filed document contains the least amount of redaction possible, in furtherance of the public's right to review documents under FOIL.

28. If Protected Information is proposed to be included in the evidentiary record of the case, the Administrative Law Judge shall take steps to ensure that separate confidential and public versions of the transcript of testimony and the exhibits are created.

29. If, at any time, it becomes apparent that Protected Information is to be discussed at a hearing or conference, the Administrative Law Judge shall take steps to ensure that only those entitled to receive Protected Information will be able to hear or review the information.

30. To facilitate the management of a hearing or conference at which Protected Information will be discussed, counsel or the authorized representative of a Participant will advise the Participants and the Administrative Law Judge as far in advance as possible and, absent good cause shown, not less than 72 hours in advance, that particular testimony, questioning, discussions or presentations are expected to include Protected Information.

DETERMINATIONS REGARDING CONFIDENTIAL STATUS OF PROTECTED INFORMATION

31. In general, this Protective Order allows the Participants to this proceeding to exchange, use, and file Protected Information in this proceeding without the need for a formal determination as to whether the information is entitled to be exempt from public disclosure under FOIL. In the absence of any such formal determination, ORES will treat all Protected Information as confidential, consistent with the requirements of FOIL.

32. The Administrative Law Judge shall resolve any disputes arising under this Protective Order. Prior to presenting any dispute under the Protective Order to the Administrative Law Judge, the parties to such dispute shall use their best efforts to resolve it without administrative intervention, and will be required to demonstrate to the Administrative Law Judge that such best efforts were made.

33. If (a) there is a request for public disclosure of any Protected Information, or (b) any Participant to this proceeding wishes to challenge a Providing Party's assertion that information is Protected Information and should be exempt from disclosure under FOIL, or (c) the Administrative Law Judge, in the exercise of discretion, determines that a ruling regarding confidentiality under FOIL is warranted, the Administrative Law Judge will rule on the confidentiality of Protected Information under FOIL. Before the Administrative Law Judge makes such a ruling, the Providing Party will be given an opportunity to provide a more detailed brief justifying its claim that the information is confidential and exempt from disclosure pursuant to 16 NYCRR 6-1.3(f).

34. Any Participant may object to the designation of particular documents or other materials as Protected Information. A Participant objecting to the designation of documents or materials as Protected Information must notify the Providing Party, other Participants to this proceeding entitled to access to the information in question, and the Administrative Law Judge of its objection. Thereafter the Administrative Law Judge shall resolve the objection consistent with the procedures at 16 NYCRR 6-1.3(f).

35. In the event the Administrative Law Judge rules that certain information is not entitled to confidentiality under FOIL, the information nevertheless shall continue to

be Protected Information under this Protective Order, and to be subject to all the confidentiality protections afforded by this Protective Order, until all appeals relating to the confidentiality determination are exhausted. Where no further appeals are available and there is a final, non-appealable determination that information is not entitled to confidentiality under FOIL, the information must continue to be Protected Information under this Protective Order until 15 days after such final determination. Thereafter, the information will lose its status as Protected Information under this Protective Order and can be made public.

36. Appeal of determination by the Administrative Law Judge.

a. A denial of an exception from disclosure under paragraph 33 may be appealed by the person who requested the exception, and a denial of access to the record may be appealed by the person requesting the record in accordance with this paragraph.

i. Within seven business days of receipt of written notice denying the request, the person may file a written appeal, in electronic form or by mail, from the determination of the Administrative Law Judge to the ORES Executive Director or delegee.

ii. The appeal shall be determined within 10 business days of the receipt of the appeal. Written notice of the determination shall be served upon the person, if any, requesting the record, the person who requested the exception and the Committee on Open Government. The notice shall contain a statement of the reasons for the determination.

b. A proceeding to review a determination adverse to a person requesting an exception from disclosure pursuant to this subdivision may be commenced pursuant to Article 78 of the Civil Practice Law and Rules. **Such proceeding must be commenced within 15 days of the service of the written notice containing the adverse determination provided for in subparagraph (a)(ii) of this paragraph.**

OBLIGATION TO DESTROY PROTECTED INFORMATION

37. The obligation of a Participant in possession of Protected Information to safeguard it from public disclosure does not end with this proceeding. Unless otherwise provided in FOIL, other applicable State law, or 16 NYCRR 6-1.4, it continues until 15 days after entitlement to confidential status has been finally denied or such further time as ordered by a court of competent jurisdiction.

38. Within one year following the completion of this proceeding, including the periods for administrative or judicial review of this proceeding, all Receiving Parties shall destroy such Protected Information and certify to each Providing Party that the Protected Information has been destroyed, unless retention by a Party is otherwise permitted by Paragraph 23 above, by law or by permission of the providing Party. The certification will describe how the Protected Information was destroyed and address the destruction of any subsequent documents, notes, recordings, electronic files, or other media in which it may be recorded. Participants acknowledge that complete destruction or elimination of all versions of Protected Information may be impossible or extremely impracticable, due to the existence of copies generated by automated back-up systems for computer workstations and network data storage devices. Nevertheless, they shall exercise best efforts to destroy reasonably accessible versions of the Protected Information and maintain measures to continue to protect the confidentiality of any Protected Information that may remain in such systems.

39. Where Protected Information is contained in a format that makes its destruction problematic or gives it particular value to the Providing Party, or in other like special circumstances, the Providing Party may specify that the Protected Information must be returned to it in lieu of destruction.

40. Any retention of Protected Information, as authorized in Paragraphs 23 or 38 above, is subject to the maintenance consistent with the terms and conditions of the Protective Order.

UNAUTHORIZED RELEASE OF PROTECTED INFORMATION; VIOLATIONS

41. If a Participant believes that it may have disclosed Protected Information to a person not entitled to receive

it under the terms of this Protective Order, it must immediately take steps to reverse or minimize the consequences of the disclosure and immediately notify the Providing Party and Administrative Law Judge and give detailed information concerning all steps taken or that will be taken to reverse or minimize the consequences of the improper release.

42. A Participant's violation of this Protective Order shall constitute a violation of an order of ORES and such a Participant may be subject to such sanctions as may be imposed by the Administrative Law Judge or the ORES Executive Director or delegee, which may include limitation or termination of the responsible individual's or Participant's participation in this proceeding. In addition, the Providing Party may pursue all legal remedies available to it under relevant federal and State statutes and regulations, including criminal and/or civil penalties and/or consequential damages.

SURVIVAL

43. In the event that prior to the completion of this proceeding, any Receiving Party to whom Protected Materials have been disclosed ceases to be engaged in this proceeding or no longer qualifies as a Participant (i.e. full or amicus party status has been finally denied), such person or entity's access to Protected Information shall terminate and it shall be subject to the provision in Paragraphs 38 and 39 regarding the return and/or destruction of Protected Information. Even if no longer engaged in this proceeding, every person and Participant who has executed a Protective Order Acknowledgement or Agreement shall continue to be bound by the provisions of this Protective Order. Notwithstanding anything herein to the contrary, to the extent any Protected Information has not been returned and/or destroyed in accordance with Paragraphs 38 and 39, Participant's obligations of confidentiality set forth in this Protective Order will survive the termination hereof.

RIGHTS RESERVED

44. Nothing in this Protective Order imposes any obligations upon a Providing Party with respect to the handling of its own Protected Information.

45. This Protective Order does not constitute a substantive ruling that the Protected Information is entitled to

confidential status pursuant to FOIL. This Protective Order shall in no way constitute a waiver of the rights of any Participant in this proceeding to contest any assertion, or to appeal any finding, that specific information is or is not Protected Information or that such information should or should not be subject to the protective requirements of this Protective Order.

46. Nothing in this Protective Order limits or expands in any way the applicable law concerning the permissible scope of discovery. Nothing in this Protective Order limits in any way the right of any Participant to question, challenge, or object to the admissibility of any Protected Information furnished under the terms of this Protective Order on any grounds available by law, including relevancy, materiality, and jurisdiction.

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PROTECTIVE ORDER – ATTACHMENT A
ACKNOWLEDGMENT

On behalf of: _____
(Name of Participant)

I acknowledge receipt of a copy of the Protective Order adopted in a ruling issued on May 22, 2026, in the above-captioned proceeding and affirm that I have read and understand its terms and provisions. I agree to be bound by and will comply with the terms and conditions of the Protective Order. I understand that certain information to which the Participant I represent is to be given access is Protected Information within the meaning of that term under the Protective Order and that the use or disclosure of that Protected Information, other than as permitted by the Protective Order, may cause substantial commercial harm to a Providing Party. I assume full responsibility for ensuring the employees, officers, and agents of the Participant I represent who may obtain access to Protected Information are fully aware of all terms of the Protective Order.

I further certify that I am an attorney representing the Participant named above, or an authorized representative of such Participant, and that I have full authority to execute this document.

The Participant named above elects (check one):

- ❑ To receive all Protected Information as soon as it is made available pursuant to the Protective Order.
- ❑ To receive notice of the availability of Protected Information.

BY: _____ NAME: _____
(Signature) (Print or Type)

DATE: _____ TELEPHONE: _____

E-MAIL ADDRESS: _____

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PROTECTIVE ORDER – ATTACHMENT B
CONSULTANT PROTECTIVE AGREEMENT

I acknowledge receipt of a copy of the Protective Order adopted in a ruling issued May 22, 2026, in the above-captioned proceeding, and affirm that I have read and understand its terms and provisions. I also acknowledge the importance of maintaining the confidentiality of the Protected Information.

In return for the opportunity to receive without delay information submitted in this proceeding that the Providing Party claims to be Protected Information as defined in the Protective Order, I certify that I will be bound by, and will comply fully with, the terms and conditions of the Protective Order. I assume full responsibility for ensuring such compliance.

I certify that I have full authority to execute this document.

BY: _____ NAME: _____
(Signature) (Print or Type)

RETAINED BY (PARTICIPANT NAME):
_____

FIRM/EMPLOYER, if applicable: _____

DATE: _____ TELEPHONE: _____

E-MAIL ADDRESS: _____