

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY)	
)	
Petition for Establishment of Performance)	Docket No. 25-0514
Metrics Under Section 16-108.18(e) of the)	
Public Utilities Act.)	

COMMONWEALTH EDISON COMPANY’S
VERIFIED MOTION FOR ENTRY OF A PROTECTIVE ORDER

Commonwealth Edison Company (“ComEd”), pursuant to Sections 4-404 and 5-108 of the Public Utilities Act (the “Act”), 220 ILCS 5/4-404, 5-108; Sections 200.190 and 200.430 of the Rules of Practice of the Illinois Commerce Commission (the “Commission”), 83 Ill. Adm. Code §§ 200.190, 200.430; and other applicable law, respectfully moves for entry of a Protective Order in the form of Attachment A hereto to govern the treatment of classified information and material, of protected and other critical infrastructure information and material, and of other defined categories of confidential information and material. In support of its Motion, ComEd states as follows:

1. On May 21, 2025, ComEd initiated the instant proceeding by filing a Petition to “approve ComEd’s proposed performance and tracking metrics, as described in ComEd’s Performance Metrics Plan 2 (“Metrics Plan 2”)” under Section 16-108.18(e) of the Public Utilities Axt. 220 ILCS 5/16-108.18(e). Along with its Petition, ComEd submitted direct testimony in support of its filing, as well as other supporting materials and exhibits. Some of this material is confidential.

2. ComEd anticipates that, during this proceeding, Staff and potential Intervenors might seek to review information and material that are confidential to ComEd, its customers, or third parties such as vendors and outside experts. ComEd also anticipates that other parties in this

proceeding might have similar information and material of their own that are sought to be reviewed. ComEd also anticipates that a party might make a request that calls for classified information or material or protected or other confidential critical infrastructure information and material.

3. Federal law protects classified information and material and protected and other critical infrastructure information and material. In brief, classified information is not discoverable, protected critical infrastructure information designated by the U.S. Department of Homeland Security generally is not discoverable subject to a limited exception under federal law, and other critical infrastructure information also is subject to careful treatment although it may be discoverable on appropriate grounds through appropriate procedures, as is discussed further in the draft Protective Order attached as Attachment A hereto.

4. The Act also recognizes the need to protect confidential information and material in cases pending before the Commission, and to appropriately regulate discovery and use of such information and material. The Act requires the Commission to “provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity.” 220 ILCS 5/4-404. *See also* 220 ILCS 5/5-108.

5. The Commission’s Rules of Practice also authorize entry of Protective Orders for the purpose of protecting such information. They provide that, “[a]t any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.” 83 Ill. Admin. Code § 200.430.

6. In order to ensure this proceeding is as transparent as possible, ComEd seeks this Protective Order to allow the disclosure to parties of relevant, non-privileged information, and

materials that ComEd considers to be confidential or otherwise protected, without waiving the status of those items, subject to any applicable federal and state law, and without impairing the reasons why the information or materials were designated as confidential or otherwise protected. ComEd therefore requests entry of a Protective Order in the form of Attachment A, which provides adequate protection for such information and materials.

7. The draft protective order provided in Attachment A is workable, protects information that is classified or could affect the security of the grid, Critical Energy/Electric Infrastructure Information, commercially sensitive information, non-public financial information, personally identifying information, and customer-specific information, and appropriately balances the need for confidentiality with transparency.

8. Attachment A also provides appropriate procedures for filing confidential materials according to the Commission's Rules concerning electronic filing, 83 Ill. Admin. Code § 200.1000 et seq. These procedures are appropriate given the sensitive and proprietary infrastructure, business, and customer information that may be sought in this proceeding.

9. Counsel for ComEd sent copies of the draft protective order to Staff attorneys and other counsel with appearances in this Docket.

10. Finally, pursuant to Section 200.430(b) of the Commission's Rules of Practice, 83 Ill. Admin. Code 200.430(b), the Administrative Law Judge must determine an appropriate time period for the confidentiality to be maintained. ComEd requests that the confidentiality of documents containing critical infrastructure information be maintained for a period of 25 years. While it is difficult to predict precisely how long particular infrastructure will remain critical or how long the specific information will relate to continuing infrastructure, 25 years represents a reasonable estimate of the length of time that electric delivery facilities are assumed to remain in

service. Also, the type and configuration of ComEd's facilities will likely have changed substantially with the passage of 25 years, so the information would be of little use to would-be attackers. ComEd further requests that the confidentiality of documents marked "confidential" or "confidential and proprietary" be maintained for a period of five years from the end of this proceeding.

WHEREFORE, Commonwealth Edison Company respectfully moves for entry of the Protective Order attached as Attachment A.

Dated: July 7, 2025

Respectfully Submitted,

COMMONWEALTH EDISON COMPANY

BY: /s/ Leanne Jossund
One of its Attorneys

Emma D. Salustro
Associate General Counsel
Matthew Ludwig
Leanne Jossund
Assistant General Counsel
Commonwealth Edison Company
10 South Dearborn Street, 52nd Floor
Chicago, IL 60603
(779) 231-0941
emma.salustro@comed.com
matthew.ludwig@comed.com
leanne.jossund@comed.com

Counsel for Commonwealth Edison Company

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Leanne Jossund
Assistant General Counsel
Commonwealth Edison Company