

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5600
Public Service Commission, on)
its own motion, to administer) PROTECTIVE ORDER
the Precision Agriculture)
Infrastructure Grant Program)
in the 2024-2025 program year.) Entered: November 19, 2024

BY THE HEARING OFFICER:

The Nebraska Public Service Commission ("Commission") opened this docket on its own motion on August 6, 2024, to implement the Precision Agriculture Infrastructure Grant Act, Neb. Rev. Stat. §§ 86-1401 et seq (the "Act") in the 2024-2025 program year. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 8, 2024. Comments were invited from interested parties, and a hearing in this matter was held on October 1, 2024. An order setting forth the 2024-2025 application materials and program guidance was entered on November 19, 2024.

Upon review of the information required to be submitted to the Commission in this docket, I hereby find that certain items, set forth below, are of a sensitive nature and merit protection under the terms of this Protective Order.

Protective Order

1. This Protective Order shall govern the use of all confidential information and documents submitted to the Commission pursuant to Commission Docket No. C-5600. Notwithstanding any order terminating this proceeding, this Protective Order shall remain in effect until specifically modified or terminated by the Nebraska Public Service Commission.
2. Definitions. For purposes of this Protective Order:
 - a. The term "Commission" shall mean the Nebraska Public Service Commission.
 - b. The term "PRO-AG" shall mean the Precision Agriculture Infrastructure Grant Program administered by the Commission.
 - c. The term "applicant" shall mean any person or entity seeking funding in the 2024-2025 PRO-AG grant cycle.

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- d. The term "Confidential Materials" shall mean documents or files provided by an applicant to the Commission as part of an application for PRO-AG funding pursuant to Commission Docket No. C-5600 which contain:
 - (1) Sensitive personal information;
 - (2) Financial statements;
 - (3) Tax documents; or
 - (4) Cybersecurity plans, including an applicant's security measures, identification of risks, approach to safeguarding sensitive data, and strategy for responding to security incidents.
3. Confidential Materials shall not include:
 - a. Any information or document contained in the files of the Commission, or any other federal or state agency, or any federal or state court, unless the information or document has been determined to be protected by such agency or court; or
 - b. Information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Protective Order.
4. Except as set forth below, Confidential Materials shall be made available under the terms of this Protective Order only to the Commission and Commission staff and counsel. Confidential Materials shall be treated as proprietary and confidential once submitted. Confidential Materials shall not be made available to the public or published on the Commission website.
5. Should Confidential Materials be inadvertently disclosed, any person who identifies the disclosure must immediately notify the Commission of the disclosure and destroy any copies of the Confidential Materials in their possession or control. No additional copies of Confidential Materials shall be made. Any further disclosure or use of Confidential Materials is strictly prohibited and shall constitute a violation of an order of the Commission.

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6. All Confidential Materials shall be clearly marked with the word "CONFIDENTIAL" placed prominently on each page and file name. Applicants shall take all reasonable precautions necessary to ensure that Confidential Materials are not distributed to unauthorized persons.
7. The Commission or the Hearing Officer may alter or amend this Protective Order as circumstances warrant at any time during the course of this proceeding.
8. This Protective Order governs only Confidential Materials filed pursuant to Commission Docket No. C-5600. Materials submitted in other Commission proceedings are not included in the scope of this Protective Order.
9. Nothing in this Protective Order shall be deemed to preclude any party from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this Protective Order.
10. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this Protective Order shall be entered in the above-captioned proceeding.

MADE AND ENTERED at Lincoln, Nebraska this 19th day of November, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

BY: 

Eric Kamler
Hearing Officer