

ORDER NO. 92189

Petition of the Office of People’s Counsel
for Near-Term, Priority Actions and
Comprehensive, Long-Term Planning for
Maryland’s Gas Companies

*
*
*
*
*
*
*
*

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

Case No. 9707, Phase II

Issue Date: February 11, 2026

SPECIAL MASTER’S RULINGS
GRANTING REQUEST FOR RECONSIDERATION,
AND ADDRESSING CONFIDENTIALITY AND SERVICE ISSUES

On February 3, 2026, Baltimore Gas and Electric Company (“BGE”), Washington Gas Light Company (“WGL”), Columbia Gas of Maryland, Inc. (“Columbia Gas”), Chesapeake Utilities of Maryland, Inc. (“Chesapeake”), and UGI Utilities, Inc. (“UGI”) (collectively, the “Gas Companies”) filed a “Request for Reconsideration” of the Special Master’s “Rulings Adopting Protective Agreement and Providing Service Addresses,” Order No. 92150, issued on January 22, 2026 (“January 22 Rulings”).¹

On February 6, 2026, WGL, on behalf of the Gas Companies, served an undated letter addressing matters pertaining to confidentiality and service via e-mail on the Special Master (“February 6 Letter”). WGL stated in the cover e-mail to the February 6 Letter that it had “shared the document with all parties and [would] send to the service list.”

On February 9, 2026, a “Notice of Comment Deadline” was issued, inviting interested Parties to file comments in response to both the Request for Reconsideration and the February 6 Letter by close of business on February 10, 2026.² On February 10, 2026,

¹ Maillog No. 326484.

² Maillog No. 326970.

Commission Staff filed comments in support of the Request for Reconsideration.³ No other comments were filed with respect to either the Request for Reconsideration or the February 6 Letter.

I. Request For Reconsideration

The January 22 Rulings included the following directive to the Parties concerning discovery:

Parties are urged to make every effort to limit designating material as confidential pursuant to the Protective Agreement. Robust and open discussion of the significant issues to be addressed in these proceedings will benefit the public; and

If the disclosing Party claims that a response to discovery would include confidential material pursuant to the Protective Agreement, that claim shall be transmitted to the Party seeking discovery within two (2) business days of the date the discovery request is served. All procedures, guidelines, and timelines governing discovery as set forth in the Rulings shall apply to the production of confidential material.⁴

In their Request for Reconsideration, the Gas Companies ask that the January 22 Rulings be revised to permit Parties to file claims of confidentiality with respect to discovery responses simultaneously with the provision of those responses.⁵ In other words, claims that discovery responses contain confidential material would be due within ten (10) business days from the date the request is served.

The prior notification requirement was designed to provide the Party seeking discovery with a “heads up” as to the type and amount of the material the responding Party

³ Maillog No. 327045, “Office of Staff Counsel–Response to Request for Reconsideration.”

⁴ January 22 Rulings at 2.

⁵ Request for Reconsideration at 1.

considers confidential. For example, the notification might list certain documents concerning future plans or investments as being subject to confidentiality in their entirety.

By requiring notification of such claims prior to the actual production of the discovery material, the Parties would have had an opportunity to discuss the claims beforehand with an eye towards minimizing the amount of discovery material classified as confidential before the material was served. The requirement did not limit any Party in claiming that all or a portion of any responses to discovery requests were confidential; it simply encouraged the Parties to immediately engage in discussions to ensure that such claims were minimized.

While the Gas Companies raise a number of arguments in support of their Request for Reconsideration, it is not necessary to address those arguments here. No Party has opposed the relief requested in the Request for Reconsideration. Given that the prior notification requirement was designed to assist all Parties in dealing with claims of confidentiality – both the Gas Companies and the other Parties – the lack of any opposition to the Request for Reconsideration makes clear that the requirement is unnecessary.

For these reasons, the Special Master concludes and rules that the prior notification requirement with respect to confidential discovery responses should be, and hereby is, withdrawn.

II. Matters Pertaining to Confidentiality and Service

The February 6 Letter makes two requests. First, the Letter states that “it is unclear to the undersigned whether Special Masters appointed in PSC proceedings, and any of your personal staff that are working on this docket specifically, are subject to the confidentiality

obligations imposed by §2-302 and 2-309.”⁶ Second, the Letter requests that the Special Master be assigned a Maryland state government e-mail address for the purpose of this proceeding because “[t]here are information security concerns with using a private email address for the receipt of confidential files and the creation and storage of government records.”⁷

As to the first request, the simple response is that § 2-302 of the Maryland Public Utilities Article specifically applies to “officers” of the Commission. In appointing the Special Master to conduct these proceedings, the Commission unambiguously stated that the Special Master is an officer of the Commission:

By this Order, the Commission designates Thomas C. Gorak, Esquire of the Law Offices of Thomas C. Gorak, to act as Special Master and presiding officer in these proceedings.⁸

The Special Master therefore concludes that, as an officer of the Commission, he is subject to the obligations imposed by §§ 2-302 and 2-309 of the Maryland Public Utilities Article. As such, he is not required to execute the Protective Agreement that was proposed by the Parties and adopted for use in these proceedings.

Finally, the Special Master states that he is the only person in his office that will review confidential material.

As to the second request, at the initiation of the Special Master’s contract with the State of Maryland, he understood that State of Maryland government e-mail addresses were not available to private contractors. However, given that the Commission has appointed

⁶ February 6 Letter at 1.

⁷ *Id.*

⁸ Order No. 91791 at 6, “Order Instituting Long Term Gas Proceedings,” (August 20, 2025) (Maillog No. 321696).

the Special Master as presiding officer in these proceedings, he is now eligible to be—and has been—assigned a State government e-mail address.

As of February 11, 2026, the following State government e-mail address has been established for the Special Master:

thomas.gorak@maryland.gov

This should resolve any further issues of this nature, and all future electronic correspondence and filings for the Special Master shall be conducted through the above e-mail address.

As of the date of these Rulings, the Special Master has not received copies of all confidential information filed in these proceedings to date. Thus, and in order to ensure that the new e-mail address is working properly, the Special Master requests that each of the Gas Companies forward copies of all confidential material that has been filed to date in these proceedings to his State government e-mail address.

III. Conclusions and Rulings

For the reasons set forth herein, the Special Master concludes and rules as follows:

(1) the Request for Reconsideration is granted, and the prior notification requirement with respect to confidential discovery responses as originally set forth in Order No. 92150 is hereby withdrawn;

(2) the Special Master is an officer of the Public Service Commission of Maryland subject to §§ 2-302 and 2-309 of the Maryland Public Utilities Article, and, as such, is not required to execute the Protective Agreement adopted for use in these proceedings; and

(3) all electronic correspondence and documents of whatever type shall be served on the Special Master at thomas.gorak@maryland.gov; in addition, Parties are reminded that they are required to provide two (2) hard copies of testimony, discovery requests, and discovery responses to the Special Master pursuant to Order No. 91897.⁹

/s/ Thomas C. Gorak

Thomas C. Gorak, Special Master

⁹ The Special Master requests that the hard copies be served via Federal Express, UPS, or similar service rather than by regular U.S. Mail.