

ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF _____

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DOCKET NO. _____

AFFIDAVIT OF NON-DISCLOSURE
PURSUANT TO INTERIM PROTECTIVE ORDER NO. _____

STATE OF _____)
COUNTY OF _____)

I, _____, am immediately and directly working on matters relating to the above referenced docket on behalf of _____.

The above referenced Interim Protective Order directs that the confidential information identified therein shall be protected from public disclosure pursuant to the provisions of Ark. Code Ann. § 23-2-316 and Rule 13.05 of the Arkansas Public Service Commission's *Rules of Practice and Procedure* ("Rule 13.05").

In accordance with said Interim Protective Order, I understand, agree and certify as follows:

1. That said confidential information is provided to me by the protected party pursuant to the terms of said Interim Protective Order and the provisions of Rule 13.05; that I have been provided a copy of said Interim Protective Order and Rule 13.05, and that I have read and understand the provisions of said Interim Protective Order and Rule 13.05; and that I shall fully comply with same; and

2. That said confidential information at all times shall be clearly and distinctly marked as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and at all times shall be maintained in a secure manner; and

3. That I shall not disclose said confidential information to any person not immediately and directly involved in the above-referenced docket, nor to any person not entitled to said confidential information by the terms of said Interim Protective Order and Rule 13.05, nor to any person who has not executed the required Affidavit of Non-Disclosure; and

4. That said confidential information shall be used solely for the purpose of pursuing the case at hand, and shall not be used for any other purpose(s) whatsoever, and most especially shall not be used for competitive business purposes; and

5. That improper disclosure of said confidential information by a party or person may result in civil liabilities or sanctions against said party or person; and

6. That I shall neither disclose nor permit to be reviewed or copied said confidential information, and any notes, memoranda, or any other form of information regarding or derived from said confidential information, by any person other than myself or other individuals who are entitled to said confidential information by the terms of said Interim Protective Order and Rule 13.05 and who have also executed the required Affidavit of Non-Disclosure; and

7. That said confidential information shall not lose its confidential status through use in this docket and that I will take all steps reasonably required to protect its confidentiality during such use; and

8. That if I have knowledge that said confidential information has been disclosed, reviewed or copied by any persons other than in the manner authorized by the

Interim Protective Order, Rule 13.05, and this Affidavit of Non-Disclosure, I shall promptly notify counsel for the protected party and make every reasonable effort to retrieve such confidential materials and to prevent further disclosure of such information; and

9. That any pleadings or other filings that incorporate, reference, or attach said confidential information shall be filed in two formats: (a) public format with said confidential information appropriately redacted, and (b) non-public under protective seal format; and

10. That neither the filing in this docket of said confidential information, nor the furnishing of said confidential information for review by the parties to this docket shall be considered a waiver of any right to object upon any grounds to the use or introduction into evidence of said confidential information during any proceeding in this docket; and

11. That, I shall return said confidential information to the protected party within thirty (30) days of the conclusion of the above referenced docket and any appeals taken therefrom. Further, I shall destroy any notes, memoranda, or any other form of information regarding or derived from said confidential information within thirty (30) days of the conclusion of said docket and any appeals taken therefrom.

12. That, if the Interim Protective Order identified hereinabove subsequently is amended and/or further Interim or Final Protective Orders are entered in this Docket, I shall be bound by the same terms herein as they relate to any additional Confidential Information which may be protected by such subsequent Protective Orders without the need for the execution of further affidavits of non-disclosure in this Docket.

Dated this _____ day of _____, 20____.

Signature of Affiant

Print name of Affiant

NOTARY CERTIFICATION

Subscribed and sworn to by the foregoing Affiant before me, a Notary Public, on this
_____ day of _____, 20____.

Notary Public

My Commission Expires: _____

Affix Notary Seal: