

McLane

McLane, Graf,
Raulerson &
Middleton

Professional Association

STEVEN V. CAMERINO
Internet: steven.camerino@mcclane.com

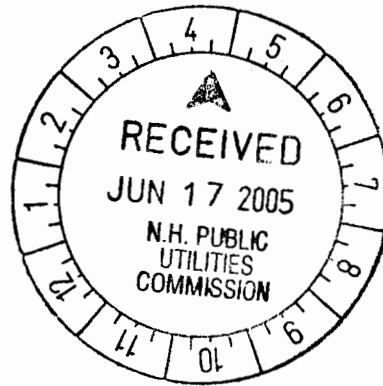
FIFTEEN NORTH MAIN STREET • CONCORD, NH 03301-4945
TELEPHONE (603) 226-0400 • FACSIMILE (603) 230-4448

OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH

June 17, 2005

VIA HAND DELIVERY

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301



Re: DW 04-048; City of Nashua—Taking of Pennichuck Water Works, Inc.

Dear Ms. Howland:

Enclosed for filing with the Commission are an original and eight copies of Motion for Protective Order. I am also enclosing a diskette with the Motion in electronic form.

Thank you for your assistance with this matter. Please call me with any questions.

Very truly yours,



Steven V. Camerino

cc: Service List
Donald L. Correll, President & CEO

EDMUND J BOUTIN
BOUTIN ASSOCIATES PLLC
ONE BUTTRICK RD
PO BOX 1107
LONDONDERRY NH 03053

MICHAEL S GIAIMO
BUSINESS & INDUSTRY ASSOC
122 N MAIN ST
CONCORD NH 03301

BARBARA PRESSLY
11 ORCHARD AVE
NASHUA NH 03060

STEVEN V CAMERINO
MCLANE GRAF RAULERSON & MIDDLETON
15 N MAIN ST
CONCORD NH 03301-4945

BRYAN K GOULD
BROWN OLSON & GOULD PC
2 DELTA DR STE 301
CONCORD NH 03301

JOHN J RATIGAN
DONAHUE TUCKER & CIANDELLA
225 WATER ST
PO BOX 630
EXETER NH 03833-0630

DAVID CARON
LONDONDERRY - TOWN OF
50 NASHUA RD
STE 100
LONDONDERRY NH 03053-3416

JAY HODES
BOSSIE KELLY HODES BUCKLEY & WILSON
440 HANOVER ST
MANCHESTER NH 03104

F ANNE ROSS
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301-2429

KATHERINE E CHAMBERS
TOWN OF MILFORD
TOWN HALL
ONE UNION SQ
MILFORD NH 03055-4240

MARK JOHNSON
TOWN OF HOLLIS
TOWN HALL
7 MONUMENT SQ
HOLLIS NH 03049-6121

LAURA A SPECTOR
MITCHELL & BATES PA
25 BEACON ST EAST
LACONIA NH 03246

DAVID R CONNELL
CITY OF NASHUA
229 MAIN ST
PO BOX 2019
NASHUA NH 03061-2019

STEPHEN J JUDGE
WADLEIGH STARR & PETERS PLLC
95 MARKET ST
MANCHESTER NH 03101

EUGENE F SULLIVAN III
SULLIVANE LAW OFFICE
11 SOUTH ST
CONCORD NH 03301-3719

ELIZABETH COUGHLIN
MERRIMACK RIVER WATERSHED COUNCIL
600 SUFFOLK ST 4TH FLR
LOWELL MA 01854-3629

LINDA LAVALLEE
WADLEIGH STARR & PETERS PLLC
95 MARKET ST
MANCHESTER NH 03101

FRED S TEEBOOM
24 CHEYENNE DR
NASHUA NH 03063

DOM S D'AMBRUOSO
RANSMEIER & SPELLMAN PC
ONE CAPITOL ST
PO BOX 600
CONCORD NH 03302-0600

CLAIRE MCHUGH
61 DUBLIN AVE
NASHUA NH 03063-2045

TIMOTHY TIEPERMAN
TOWN OF MERRIMACK
BABOOSIC LAKE RD
PO BOX 940
MERRIMACK NH 03054

WILLIAM R DRESCHER
DRESCHER & DOKMO
21 EMERSON ROAD
PO BOX 7483
MILFORD NH 03055-7483

ROBERT OLSON
BROWN OLSON & WILSON
2 DELTA DR #301
CONCORD NH 03301-7426

MATTHEW H UPTON
UPTON & HATFIELD
10 CENTRE ST
PO BOX 1090
CONCORD NH 03302

Docket #: 04-048-1 Printed: June 17, 2005

FILING INSTRUCTIONS:

WITH THE EXCEPTION OF DISCOVERY (SEE NEXT PAGE) FILE 1 ORIGINAL & COVER LETTER, PLUS 8 COPIES (INCLUDING COVER LETTER) TO:

DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

ROBERT UPTON II
UPTON & HATFIELD
23 SEAVEY ST
PO BOX 2242
NORTH CONWAY NH 03860

STEVE WILLIAMS
NASHUA REGIONAL PLANNING COMMISSION
115 MAIN ST
PO BOX 847
NASHUA NH 03061

PURSUANT TO N.H. ADMIN RULE 204.04 (C), FILE DISCOVERY

DIRECTLY WITH THE FOLLOWING STAFF

RATHER THAN WITH THE EXECUTIVE DIRECTOR

LIBRARIAN
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

BULK MATERIALS:

Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

MARK NAYLOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

MARCIA THUNBERG
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

AMANDA NOONAN
CONSUMER AFFAIRS DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

Docket #: 04-048-1
Printed: 6/17/2005

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

City of Nashua: Taking Of Pennichuck Water Works, Inc.

Docket No. DW 04-048

MOTION FOR PROTECTIVE ORDER

Pennichuck Water Works, Inc., Pennichuck Water Service Corporation and Pennichuck Corporation ("Pennichuck Entities") respectfully request that the Commission issue a protective order regarding information that the Pennichuck Entities will be required to produce in the above-captioned proceeding. In support of this Motion, the Pennichuck Entities state as follows:

1. The Pennichuck Entities are directly or indirectly involved in the provision of water service to the public in numerous communities throughout Southern and Central New Hampshire. In order to increase the level of security of their water supply and distribution systems from the potential contamination, disruption or other damage or attack, since the events of September 11, 2001 the Pennichuck Entities have treated certain information regarding their facilities and processes for providing water service to the public as being highly confidential, and therefore have not made this information available to persons outside the Pennichuck Entities except as required by law or as necessary and subject to appropriate safeguards.

2. In addition, Pennichuck Corporation is a publicly traded company, and is subject to certain obligations under federal law that require it to ensure that material non-public information regarding it or its subsidiaries is not made available on a selective basis to persons and entities outside those companies.

3. The Pennichuck Entities also have information that, if made available to persons or entities outside the Pennichuck Entities would harm the competitive position of certain of the

Pennichuck Entities with regard to various commercial dealings, including but not limited to their efforts to acquire other water systems, provide contract operations services, purchase goods and services from third parties on the most favorable terms and other matters of a competitive or negotiated nature.

4. Public disclosure of the information described above is likely to cause substantial economic harm to one or more of the Pennichuck Entities and/or their customers and other members of the public.

5. RSA 91-A:5, IV expressly exempts from the public disclosure requirements of Chapter 91-A any records pertaining to "confidential, commercial or financial information." The terms "commercial or financial" encompass information revealing financial condition. Information is considered commercial if it relates to commerce. *Union Leader Corporation v. New Hampshire Housing Finance Authority*, 142 N.H. 540 (1997). In addition, RSA 91-A:5, VI exempts from public disclosure under Chapter 91-A any "records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life."

6. The Commission has the authority to protect the information described above pursuant to N.H. Code of Admin. Rules Puc 204.06 and Puc 204.05(b), which if made public, would likely create a competitive disadvantage for the Pennichuck Entities. That information includes but is not limited to:

a. Trade secrets which required significant effort and cost to produce and would take significant effort and cost by others to develop independently; or

b. Other confidential, research, development, financial, or commercial information.

The Commission's rules also protect customer information that is financially or commercially sensitive to the customer or which, if released, would likely constitute an invasion of privacy for the customer; and information that is not general public knowledge or published elsewhere. In the case of the latter, the Pennichuck Entities or the Pennichuck Entities' customer must have taken measures to prevent dissemination of the information in the ordinary course of business.

7. The right to protect confidential information is not without limits. In *North Atlantic Energy Corporation*, Order 23,986, 87 NH PUC 396 (2002) (citing, *Society for the Protection of NH Forests v. Water Supply & Pollution Control Commission*, 115 N.H. 192 (1975)), the Commission was presented with a request for confidential treatment of information on a prospective basis. In that order, the Commission declined to adopt a procedure in which some parties would be permitted to review confidential information while other parties would not. The Commission held that all intervenors to a docket are entitled to examine all the evidence relied upon by the Commission in making its final determination. Even in that case, however, some parties did not view sensitive bidder information.

8. During the course of discovery in this docket, Staff and the Parties desire to review information which falls within the protections of RSA 91-A, Puc 204.05, and Puc 204.06. Specifically, in order to be able to respond to discovery requests from the City of Nashua and, potentially, other participants in this proceeding while still preserving the confidential nature of the information subject to protection by RSA 91-A, Puc 204.05 and Puc 204.06, the Pennichuck Entities request that the Commission impose the terms and conditions set forth below as a protective order in this case, subject to the continuing right of any person to challenge such confidentiality before the Commission after notice to the Pennichuck Entities and an opportunity

to be heard. Staff and the assenting Parties believe that the proposed terms and conditions represent an appropriate balance between the legitimate interests of the parties and the public.

9. The terms of the proposed protective order (the "Order") are as follows:

A. Definitions.

i. "Confidential Information" means documents, tangible things, or information that is in good faith designated by the Pennichuck Entities as: CONFIDENTIAL; OR CONFIDENTIAL - AUTHORIZED REPRESENTATIVES ONLY; provided, however, that the Commission shall retain the authority to determine that such information is not exempt from public disclosure under RSA Ch. 91-A or any other applicable law or regulation or to expand or restrict the scope of what constitutes Confidential Information by further order consistent with this Order. Confidential Information may include, without limitation, trade secrets, security, financial or other commercial or proprietary information as well as all summaries, notes, extracts, compilations or any other direct or indirect reproduction from or of such Confidential Information. Information marked as CONFIDENTIAL – AUTHORIZED REPRESENTATIVES ONLY shall be limited to information relating to any EPA vulnerability assessments and material non-public information which if in a person's possession would make it unlawful to buy or sell securities, and other information but only upon prior approval of the Commission. Confidential Information does not include information that:

(1) was in the public domain at the time it was communicated or disclosed by the Pennichuck Entities to recipient;

(2) was in the recipient's possession prior to the disclosure to the recipient, unless such information was previously obtained subject to any other

confidentiality agreement, protective order or similar restriction or in violation of any such agreement, order or similar restriction; or

(3) lawfully enters the public domain through no violation of this Order after disclosure to recipient.

ii. "Authorized Representative" shall mean a person who is a member of the Staff of the Commission ("Staff") or the Office of Consumer Advocate ("OCA") or two retained experts and one designated senior staff member of Nashua, or is counsel of record for Staff, OCA or Nashua. Said Authorized Representatives must execute a Non-Disclosure Certificate in the form of Exhibit A to this Order and be approved by Pennichuck Entities prior to the disclosure of information designated "Confidential- Authorized Representatives Only".

iii. "Qualified Persons" shall mean and refer to:

(1) Counsel of record and persons in the regular secretarial, clerical, stenographical or paralegal employ of counsel of record, members of the Staff or the OCA or any Party;

(2) Employees of the City of Nashua who are involved in this proceeding, except that Confidential Information disclosed to such persons shall be limited to that which reasonably relates to their responsibility in this proceeding;

(3) Expert witnesses or prospective expert witnesses retained or consulted by any party in this proceeding, except that the Confidential Information disclosed to such persons shall be limited to that reasonably necessary for them to form an opinion or prepare their testimony as to the matters about which counsel consulted or retained them;

(4) Such other persons as may hereafter be qualified to receive Confidential Information pursuant to this order or any other order of the Commission or a written agreement signed by the Pennichuck Entities.

iv. "Party" shall mean, with respect to the definition of a Qualified Person in (iii) above, a party (including intervenors) in this proceeding (other than the Staff, OCA , Nashua and the Pennichuck Entities) who is, in the case of a natural person, only that individual, or in the case of a corporate entity, a single designated management employee of that entity.

B. Designation of Information as Either CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION-AUTHORIZED REPRESENTATIVES ONLY.

The Pennichuck Entities shall note the designation of information as Confidential or Confidential -Authorized Representatives Only in the following manner depending on the nature of the information:

i. With respect to documents, by marking the document or transcript containing such material as "Confidential" or "Confidential - Authorized Representatives Only" in such a manner as will not interfere with the legibility of the document; and

ii. In the case of objects other than documents, by marking the surface of the object or the object's container, with the appropriate Confidential Information legend; and

iii. In the case of any view, by executing a written document to be executed by all participants in such view identifying the specific portions of the view that are Confidential.

C. Disclosure Pursuant to this Order Only. Confidential Information shall only be disclosed to Qualified Persons and/or Authorized Representatives and only under the circumstances described herein.

D. Disclosure of Confidential Information. Copies of Confidential Information designated as Confidential shall only be made for the Commission, Staff, the OCA, and Nashua Qualified Persons, and only after Staff, the OCA, and Nashua Qualified Persons have individually signed a Non-Disclosure Certificate, attached to this Motion as Attachment A, and only under the circumstances described herein. All executed Non-Disclosure Certificates shall be provided to the Pennichuck Entities. Any persons in receipt of Confidential Information shall maintain such information in a secure, enclosed storage receptacle except when the information is in active, immediate use.

One or more numbered sets of Confidential Information shall be maintained in a data room maintained by Pennichuck Water Works, Inc. for review by appointment during normal business hours, but not for copying, by any Qualified Person who has executed a Non-Disclosure Certificate. Documents marked as Confidential – Authorized Representatives Only shall be maintained separately and may be accessed only by those with that level of authorization.

E. To the extent any Qualified Person makes any notes or summaries concerning Confidential Information, the same shall be deemed Confidential Information and said Qualified Person shall be entitled to maintain said notes and summaries at their respective offices in a secure, enclosed storage receptacle except when the information is in active, immediate use.

F. The substance or content of Confidential Information shall not be disclosed to anyone other than a Qualified Person and/or Authorized Representative, depending

upon the designation of the information. Prior to disclosure, each such Qualified Person and/or Authorized Representative shall execute a Non-Disclosure Certificate in the form of Exhibit A to this Agreement and be pre-approved by the Pennichuck Entities. The Pennichuck Entities shall promptly (within 24 business hours) consider any Non-Disclosure Certificate submitted to them in accordance with this Order and shall not unreasonably withhold approval. Promptly after its execution, the original executed Non-Disclosure Certificate shall be provided to the Pennichuck Entities, and a copy thereof shall be retained by or provided to the party who sought to have the disclosure made to such Qualified Person and/or Authorized Representative. No Confidential Information disclosed pursuant to the terms of this Order shall be disclosed or used by a recipient for any purpose other than what is reasonably necessary for the conduct of this proceeding and proceedings substantially similar to prior litigation commenced by the Pennichuck Entities in Hillsborough County Superior Court, Southern District, Nos. 04-E-062 and 04-C-169. Upon written request made to undersigned counsel for the Pennichuck Entities, they will disclose the names and status of persons who have executed Non-Disclosure Certificates.

G. Disclosure to Competitors Prohibited. Notwithstanding anything else to the contrary contained in this Order, no Confidential Information may be disclosed to any person affiliated with any entity in the water utility business or in the business of operating water systems (“Competitor”), even if such Competitor serves as counsel to or an expert for a Party. A person is “affiliated” with such an entity if that person is a shareholder of, director of, officer of, employee of, attorney for, or consultant to such an entity or any other entity that is under common control.

H. Disclosure to Unauthorized Persons. If any Confidential Information is disclosed to a person not authorized herein to receive such information, such disclosure shall not

affect the confidentiality of such disclosed information. The person and/or entity making such disclosure shall immediately notify the Pennichuck Entities of the substance and content of such disclosed information and the identity of the recipient of such information, shall seek the return of such disclosed information, and said person and/or entity shall be barred from further access to Confidential Information and may also be liable for damages in accordance with applicable law.

I. Depositions, Data Requests, and Other Discovery. Each deposition transcript, answer to a data request, and document or thing produced constituting, comprising or containing Confidential Information shall be so identified and, where appropriate, marked prominently by the Pennichuck Entities or the party seeking to use such information. The Pennichuck Entities may choose to make such marking of documents and things at the time that copies are made and distributed to any party. In the case of deposition transcripts, counsel for the Pennichuck Entities shall promptly advise the other participants in this proceeding of the specific pages claimed to fall within the terms hereof either during the deposition or within thirty (30) days of receiving the transcript of the deposition. If not so designated during the deposition, the entire deposition transcript shall remain confidential during the thirty-day period for confidentiality designation.

J. Failure to Identify or Mark Information. If the Pennichuck Entities inadvertently produce a document or information constituting, comprising or containing Confidential Information without identifying and marking it as such, they may so identify and mark such document or information at any time thereafter without waiver or prejudice.

K. Challenges to Designations of Confidentiality. The Staff and any party to this proceeding or any member of the public may, at any time, give written notice to the

undersigned counsel to the Pennichuck Entities that they challenge the Pennichuck Entities' assertion of confidentiality, including the designation of materials as Authorized Representatives Only and any decision by the Pennichuck Entities to not approve an individual as an Authorized Representative or a Qualified Person. If such dispute cannot be resolved amicably, then the requesting party may file a motion seeking an order of the Commission with respect to the material or individual in question. The Pennichuck Entities shall bear the burden of demonstrating that confidential treatment as asserted by it is appropriate or that an individual should be denied access. Such document or other information shall continue to be held as confidential under this Order until the Commission rules on the material in question.

L. Filing Materials with the Commission. All materials filed with the Commission or its Staff that have been designated by the Pennichuck Entities as comprising or containing Confidential Information, and any pleading or memorandum purporting to produce or paraphrase such information, shall be filed in a sealed envelope or other appropriate sealed container upon which shall include the name and docket number of this proceeding and the word "CONFIDENTIAL". Any documents submitted to the Commission, or any appellate court, as provided herein shall thereby become part of the record and subject to the provisions of this Order.

M. Retention of Jurisdiction. Jurisdiction of this proceeding shall be retained by the Commission after final determination for purposes of enabling any party or person affected by this order to apply to the Commission for such direction, order or further decree as may be appropriate for the construction, modification, enforcement or compliance herewith or for the punishment of any violation hereof, or for such additional relief as may become necessary to realize the intentions hereof.

N. Disclosure of Confidential Information to Deponents. Qualified Persons may be deposed regarding information marked as Confidential, and only Authorized Representatives may be deposed concerning information marked as Confidential – Authorized Representatives Only. Only Qualified Persons or Authorized Representatives, as appropriate, as defined in this Order may be present during such depositions for portions relating to Confidential Information. A reporter recording any Confidential Information or incorporating into a transcript any document containing Confidential Information shall transmit such transcript only to counsel of record for the parties, who are Authorized Representatives. Any such transcript shall not be filed with the Commission, except under seal.

O. Further Order of the Commission. Maintenance of the confidential status of any information shall in all cases be subject to further order of the Commission and nothing herein shall preclude any party from applying to the Commission for any appropriate modification hereof; provided, however, that prior to such application, the Pennichuck Entities and any other party to such dispute shall certify in writing that they have endeavored unsuccessfully to resolve the matter.

P. Return of Materials. Upon termination or final conclusion of this proceeding, the Commission, to the extent that the Commission is not otherwise required to retain such materials, shall return all documents containing Confidential Information or Confidential -Authorized Representatives Only in the Commission's file to counsel for the Pennichuck Entities. Further, upon termination or final conclusion of this proceeding, all materials containing or comprising Confidential Information or Confidential -Authorized Representatives Only and any copies thereof in the possession of any other person shall be returned to counsel for the Pennichuck Entities; provided, however, that counsel of record may

retain attorney work product that contains or comprises Confidential Information or Confidential Information-Authorized Representatives Only.

Q. Storage of Information. Any persons in receipt of Confidential Information shall maintain such information in a secure, enclosed storage receptacle except when the information is in active, immediate use.

R. Availability to Others. The Pennichuck Entities shall not be required to provide any Confidential Information to any person who is not designated as an Authorized Representative or a Qualified Person. Any other person seeking access to such information shall first file a motion with the Commission demonstrating good cause for its release to them.

S. Other Proceedings. If any party is requested to disclose information designated as "Confidential" or "Confidential - Authorized Representatives Only" pursuant to a subpoena, order of a court of competent jurisdiction, or otherwise, that party shall give notice of any such request to the Pennichuck Entities and counsel for the Pennichuck Entities and the party at least ten (10) business days prior to any scheduled date for the disclosure of the information. In the event that period for the requested disclosure of this information is shorter than ten (10) business days, the party shall give the undersigned counsel to the Pennichuck Entities notice of the request prior to the date for the requested disclosure.

10. The Pennichuck Entities have obtained the assent of Staff, the OCA and Nashua to this Motion. Other parties assenting (either specifically or conceptually) are Nashua Regional Planning Commission, Merrimack Valley Water District, the Towns of Amherst, Raymond, and Pittsfield, and the BIA. The Towns of Litchfield, Milford and Hudson have not committed yet, and Fred Teeboom opposes.

WHEREFORE, the Pennichuck Entities respectfully request this Honorable Commission:

- A. Grant this Motion for Protective Order;
- B. Issue a protective order incorporating the terms set forth herein; and
- C. Grant such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

Pennichuck Water Works, Inc.
Pennichuck Water Service Corporation
Pennichuck Corporation

By Their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: June 17, 2005

By:  

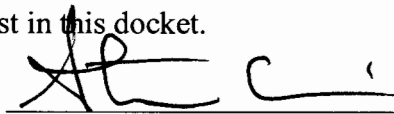
Thomas J. Donovan
Steven V. Camerino
Sarah B. Knowlton
Bicentennial Square
Fifteen North Main Street
Concord, NH 03301
Telephone (603) 226-0400

Joe A. Conner, Esquire
Baker Donelson Bearman
Caldwell & Berkowitz, P.C.
1800 Republic Centre
633 Chestnut Street
Chattanooga, TN 37450

Certificate of Service

I hereby certify that a copy of this Motion for Protective Order has been forwarded to the parties listed on the Commission's service list in this docket.

Dated: June 17, 2005


Steven V. Camerino

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

City of Nashua: Taking Of Pennichuck Water Works, Inc.

Docket No. DW 04-048

AGREEMENT TO COMPLY WITH PROTECTIVE ORDER

1. I confirm that I have read Order No. _____ issued by the New Hampshire Public Utilities Commission in Docket No. DW 04-048 on _____, 2005 ("Protective Order"), a copy of which is attached hereto. I understand that I am a Qualified Person/Authorized Representative (circle appropriate designation).
2. I hereby confirm and reiterate that:
 - A. I will maintain the confidentiality of the Confidential Information in accordance with the Protective Order, will use, store and maintain such information so as to safeguard against the disclosure of such Confidential Information to any unauthorized person.
 - B. I will use any Confidential Information imparted to me under the Protective Order only for the purpose of the above proceeding, and I will make no commercial or other use of any such Confidential Information, nor will I assist or permit any other person to do so.
 - C. At the conclusion of the proceedings in DW 04-048, I will comply with paragraph 9(P) of the Protective Order by returning all Confidential Information and Confidential Information designated as being for Authorized Representatives Only in my possession or control.

D. I agree to be subject to the continuing jurisdiction of the New Hampshire Public Utilities Commission in connection with the Protective Order and the enforcement thereof.

In witness whereof, I have caused this agreement to be executed this ____ day of _____, 2005.

Signature

Name: _____

Home Address: _____

Employer: _____

Position: _____

Employer's Address: _____

Witness

Date: _____