

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) APPLICATION NO. B-1829/PI-
on its own motion, to conduct a) 195
departmental investigation of)
Golden Plains Services, Inc.,)
d/b/a GPS Transportation,) ORDER TO SEAL RECORDS
Lincoln, for alleged violations)
Of Commission rules and state)
Statutes.) Entered: August 24, 2015

BY THE HEARING OFFICER:

On June 23, 2015, the Nebraska Public Service Commission (Commission), on its own motion, opened the above-captioned docket to conduct an investigation of Golden Plains Services Transportation, Inc. (GPS) for alleged violations of Commission rules and regulations and state law.

During the course of its investigation, the Commission has determined that certain information sought from the Nebraska Department of Health and Human Services (HHS) may be deemed protected individually identifiable health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)¹. Pursuant to HIPAA, any party that requests protected health information from a covered entity in the course of a judicial or administrative proceeding must provide satisfactory assurance that a protective order from the court or tribunal has been sought.

Based on the above, the Hearing Officer finds that a protective order to seal records should be entered. Such protective order shall prohibit any party from using or disclosing the protected health information being sought by the Commission during the course of this investigation for any purpose other than the above-captioned investigation. All confidential materials filed with the Commission pursuant to the subpoena duces tecum served to HHS on August 21, 2015 seeking the disclosure of such protected health information shall be filed with the Commission in sealed envelopes or by other appropriate means bearing prominent markings that the contents

¹P.L. No. 104-104, 110 Stat. 56 (1996).

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include protected and confidential materials subject to this protective order.

All copies of all documents reflecting confidential and protected materials, including hearing testimony, exhibits, transcripts and other documents shall be filed and served in sealed envelopes or by other appropriate means pursuant to this protective order. The Commission shall take all reasonable measures to ensure the protection of all materials subject to this protective order. Upon the conclusion of this proceeding, all materials subject to this protective order shall be sealed and retained by the Commission pursuant to records retention rules and regulations applicable to all Nebraska state agencies. Once the required timeframe for retention has passed, the Commission shall file a letter with HHS to notify of the destruction of said records.

Any violation of this protective order shall constitute a violation of any order of the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that this Protective Order shall be entered in the above-captioned proceeding and that the records set forth above shall be filed under seal, be marked as confidential, and shall not be disclosed or made available to the general public.

MADE AND ENTERED at Lincoln, Nebraska this 24th day of August, 2015.

BY:

A handwritten signature in black ink, appearing to read "Rod Johnson", is written over the printed name of the Hearing Officer.

HEARING OFFICER