

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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2008 JUN 23 PM 5:15
PUCO

In the Matter of the Application of The)	
East Ohio Gas Company d/b/a Dominion)	Case No. 07-829-GA-AIR
East Ohio for Authority to Increase Rates)	
for its Gas Distribution Service.)	
In the Matter of the Application of the)	
East Ohio Gas Company d/b/a Dominion)	Case No. 07-830-GA-ALT
East Ohio for Approval of an Alternative)	
Rate Plan for its Gas Distribution Service.)	
In the Matter of the Application of the)	
East Ohio Gas Company d/b/a Dominion)	Case No. 07-831-GA-AAM
East Ohio for Approval to Change)	
Accounting Methods.)	
In the Matter of the Application of the)	
East Ohio Gas Company d/b/a Dominion)	
East Ohio for Approval of Tariffs to)	Case No. 08-169-GA-ALT
Recover Certain Costs Associated with a)	
Pipeline Infrastructure Replacement)	
Program Through an Automatic)	
Adjustment Clause, And for Certain)	
Accounting Treatment.)	
In the Matter of the Application of the)	
East Ohio Gas Company d/b/a Dominion)	
East Ohio for Approval of Tariffs to)	Case No. 06-1453-UNC
Recover Certain Costs Associated with a)	
Automated Meter Reading Deployment)	
through an Automatic Adjustment Clause,)	
And for Certain Accounting Treatment.)	

**MOTION FOR PROTECTIVE ORDER REGARDING THE TESTIMONY OF
WITNESSES HINES, TANNER, AND ROYCROFT
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Pursuant to Ohio Adm. Code 4901-1-24, the Office of the Ohio Consumers'
Counsel ("OCC") hereby moves the Public Utilities Commission ("PUCO" or

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"Commission") for a protective order regarding certain information asserted to be confidential by East Ohio Gas Company d/b/a Dominion East Ohio ("DEO" or "the Company"). As part of discovery in these proceedings, DEO provided information to OCC (subject to a protective agreement) and asserted that non-disclosure of the information is not inconsistent with the purposes of R.C. Title 49. Some of that information is used in OCC's testimony that address the Staff Report of Investigation ("Staff Report") that was filed on May 23, 2008 concerning the August 30, 2007 Application ("Rate Case Application").

Contemporaneously with the filing of this Motion, OCC is submitting objections to the Staff Report and pre-filed testimony. The testimony of OCC witnesses Hines, Tanner, and Roycroft contain information that was obtained by OCC pursuant to its protective agreement with DEO that is redacted from the publicly filed version. OCC requests that the Commission issue such order as is necessary to protect the information redacted from OCC's testimony, subject to the resolution of this case and the OCC's rights under its protective agreement with DEO.

By this Motion, OCC does not concede that the information does indeed contain trade secrets or should otherwise be withheld from public inspection. However, OCC has obtained this information pursuant to a protective agreement with DEO that provides for such information to be treated under a protected status (i.e. protected subject to OCC's right under the protective agreement to initiate a process for review regarding whether the information deserves confidential treatment under Ohio law).

The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

A handwritten signature in dark ink, appearing to read "Gregory J. Poulos", is written over a horizontal line.

Joseph P. Serio, Counsel of Record

Larry S. Sauer

Gregory J. Poulos

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

614-466-8574 (Telephone)

serio@occ.state.oh.us

sauer@occ.state.oh.us

poulos@occ.state.oh.us

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MEMORANDUM IN SUPPORT

Contemporaneously with the filing of this Motion, OCC is filing objections and the corresponding testimony that address the Staff Report. OCC's pre-filed testimony of OCC witnesses Hines, Tanner, and Roycroft contain information obtained in discovery

subject to OCC's protective agreement with DEO. Documents labeled "Public Version Redacted" are being filed for view by the public. The Public Version of the testimony reflects the redaction of information that may be considered confidential by the Company. The final treatment of some of this information remains in controversy, both because the period for revised redaction of documents (as required by the Order) has not yet run and because the treatment of the information is a subject of the Company's Rate Case Application.

Without conceding that the information obtained in these proceedings from the Company under claims of confidentiality meet the *standard for trade secrets* and deserve protection from public revelation under R.C. 1333.61(D), the OCC files the instant Motion under the workings of the PUCO's rules to protect the information pending a determination at a later point in time regarding the appropriate treatment of the information under Ohio law. Accordingly, OCC hereby requests that the Commission issue such order as is necessary to protect the redacted portions of OCC's pre-filed testimony of OCC witnesses Hines, Tanner, and Roycroft subject to the resolution of this case and the OCC's rights under its protective agreement with DEO.


OCC understands that the Company considers the information redacted in OCC's testimony to be confidential and deserving of the status of trade secrets as defined in R.C. 1333.61(D). Such assertions would be based on claims by DEO that the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Under the assertions made by DEO, confidential treatment of the documents and the information that OCC seeks to use

from those documents would be appropriate, subject to the OCC's rights under the protective agreement with DEO to initiate a review process regarding whether the information qualifies for protection.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion for Protective Order should be granted.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

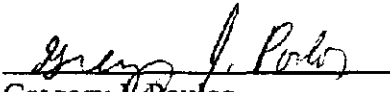


Joseph P. Serio, Counsel of Record
Larry S. Sauer
Gregory J. Poulos
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
614-466-8574 (Telephone)
serio@occ.state.oh.us
sauer@occ.state.oh.us
poulos@occ.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Protective Order of the Office of the Ohio Consumers' Counsel was by first class United States Mail, postage prepaid, to the persons listed below, on this 23rd day of June 2008.


Gregory J. Poulos
Assistant Consumers' Counsel

Stephen Reilly
Anne Hammerstein
Attorney General's Office
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, Ohio 43215

David A. Kutik
Dominion East Ohio
Jones Day
North Point, 901 Lakeside Ave.
Cleveland, Ohio 44114-1190

Barth E. Royer
Dominion Retail, Inc.
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3900

Mark A. Whitt
Andrew J. Campbell
Dominion East Ohio
Jones Day
P.O. Box 165017
Columbus, Ohio 43216-5017

John W. Bentine
Mark S. Yurick
Interstate Gas Supply
Chester, Willcox & Saxbe LLP
65 East State St., Ste. 1000
Columbus, Ohio 43215-4213

M. Howard Petricoff
Stephen Howard
Integrus Energy Services, Inc.
Vorys, Sater, Seymour & Pease LLP
52 East Gay St., P.O. Box 1008
Columbus, Ohio 43216-1008

Joseph P. Meissner
Legal Aid Society of Cleveland
1223 West Sixth Street
Cleveland, Ohio 44113

John M. Dosker
General Counsel
Stand Energy Corporation
1077 Celestial St., Ste. 110
Cincinnati, Ohio 45202-1629

Todd M. Smith
Utility Workers Union Of America
Local G555
Schwarzwald & McNair LLP
616 Penton Media Building
1300 East Ninth Street
Cleveland, Ohio 44114

W. Jonathan Airey
Gregory D. Russell
Ohio Oil & Gas Association
Vorys, Sater, Seymour & Pease LLP
52 East Gay St., P.O. Box 1008
Columbus, Ohio 43216-1008

David Rinebolt
Colleen Mooney
Ohio Partners for Affordable Energy
P.O. Box 1793
Findlay, Ohio 45839-1793

Stephen M. Howard
Ohio Gas Marketers Group
Vorys, Sater, Seymour & Pease LLP
52 East Gay St., P.O. Box 1008
Columbus, Ohio 43216-1008

David F. Boehm
Michael L. Kurtz
Ohio Energy Group
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

Samuel C. Randazzo
Daniel J. Neilsen
Joseph M. Clark
Industrial Energy Users-Ohio
McNees, Wallace & Nurick
21 East State St., Ste. 1700
Columbus, Ohio 43215