

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 08-935-EL-SSO
Illuminating Company and The Toledo)	
Edison Company for Authority to)	
Establish a Standard Service Offer)	
Pursuant to R.C. § 4928.143 in the Form)	
of an Electric Security Plan.)	

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 09-21-EL-ATA
Illuminating Company and The Toledo)	Case No. 09-22-EL-AEM
Edison Company for Approval of Rider)	Case No. 09-23-EL-AAM
FUEL and Related Accounting Authority.)	

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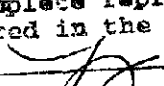
**MOTION FOR PROTECTIVE ORDER
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Intervenor the Office of the Ohio Consumers' Counsel ("OCC"),¹ on behalf of residential utility consumers, submits this Motion for Protective Order ("Motion"), pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D)(3).

Concurrently with this Motion, OCC is filing testimony that contains information asserted by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, "FirstEnergy") to be confidential.

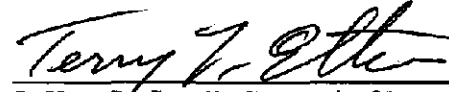
The reasons why OCC's Motion should be granted are set forth in the attached Memorandum in Support.

¹ OCC's Motion to Intervene in this proceeding was granted by an Entry dated February 19, 2009 (at 2).

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Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Jeffrey L. Small, Counsel of Record
Maureen R. Grady
Jacqueline Lake Roberts
Terry L. Etter

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

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MEMORANDUM IN SUPPORT

Ohio Adm. Code 4901-1-24(D) states, in pertinent part:

(D) Upon motion of any party or person with regard to the filing of a document with the commission's docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or an attorney examiner may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. Any order issued under this paragraph shall minimize the amount of information protected from public disclosure. The following requirements apply to a motion filed under this paragraph:

(1) All documents submitted pursuant to paragraph (D) of this rule should be filed with only such information redacted as is essential to prevent disclosure of the allegedly confidential information. Such redacted documents should be filed with the otherwise required number of copies for inclusion in the public case file.

(2) Three unredacted copies of the allegedly confidential information shall be filed under seal, along with a motion for protection of the information, with the secretary of the commission, the chief of the docketing division, or the chief's designee. Each page of the allegedly confidential material filed under seal must be marked as "confidential," "proprietary," or "trade secret."

(3) The motion for protection of allegedly confidential information shall be accompanied by a memorandum in support setting forth the specific basis of the motion, including a detailed discussion of the need for protection from disclosure, and citations of any authorities relied upon. The motion and memorandum in support shall be made part of the public record of the proceeding.

Concurrently with this Motion, OCC is filing testimony of its witness in this proceeding, Stacia Harper, in both a redacted form and an unredacted form under seal, consistent with the procedures under Ohio Adm. Code 4901-1-24(D)(1) and (2). Witness Harper's testimony contains information that FirstEnergy asserts to be confidential. Specifically, Ms. Harper's testimony refers to alleged confidential information related to FirstEnergy's December 2008 Request for Proposals ("RFP"), including the number of bids received, the number of tranches won, and the associated prices bid for the tranches.²


OCC might not agree with FirstEnergy regarding the confidential nature of all of the protected information contained in the testimony, and OCC makes no concession in that regard. Nevertheless, OCC is taking this step, consistent with the terms of OCC's protective agreement with FirstEnergy, to ensure that, under the Public Utilities Commission of Ohio's rules, the information is protected under seal pursuant to

² FirstEnergy's motion for protective order covering similar information was filed February 2, 2009, and has not been ruled upon. OCC obtained that information through a protective agreement with FirstEnergy. On February 20, 2009, FirstEnergy also filed a motion for protective order covering information in testimony FirstEnergy filed the same day regarding the RFP process.

FirstEnergy's claim of confidentiality. OCC, however, reserves the right to challenge the confidentiality of any and all information that FirstEnergy asserts to be confidential.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

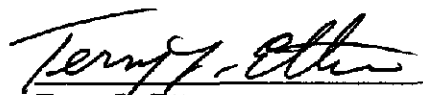


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Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (Telephone)
small@occ.state.oh.us
grady@occ.state.oh.us
roberts@occ.state.oh.us
etter@occ.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Protective Order by the Office of the Ohio Consumers' Counsel was provided electronically to the persons listed below this 23rd day of February 2009.


Terry L. Etter
Assistant Consumers' Counsel

PERSONS SERVED

sam@mwncmh.com
john.jones@puc.state.oh.us
william.wright@puc.state.oh.us
drinebolt@aol.com
dboehm@bkllawfirm.com
BarthRoyer@aol.com
jbentine@cwslaw.com
Cynthia.A.Fonner@constellation.com
mhpetricoff@vssp.com
gas@bbrslaw.com
leslie.kovacik@toledo.oh.gov
lkeiffer@co.lucas.oh.us
mitch.dutton@fpl.com
LBell33@aol.com
robinson@citizenpower.com
lmcalister@mwncmh.com
jclark@mwncmh.com
Dane.Stinson@BaileyCavalieri.com
cmooney2@columbus.rr.com
mkurtz@bkllawfirm.com
duane.luckey@puc.state.oh.us
BBreitschwerdt@bricker.com
aporter@szd.com
mparke@firstenergycorp.com
beitingm@firstenergycorp.com
smhoward@vorys.com

burkj@firstenergycorp.com
korkosza@firstenergycorp.com
haydenm@firstenergycorp.com
elmiller@firstenergycorp.com
dakutik@jonesday.com
jlang@calfee.com
ricks@ohanet.org
henryeckhart@aol.com
cgoodman@energymarketers.com
Vollmse@ci.akron.oh.us
jpmessn@lasclev.org
LGearhardt@ofbf.org
gkrassen@bricker.com
gdunn@szd.com
dex@bbrslaw.com
wis29@yahoo.com
eric.weldele@tuckerellis.com
david.fein@constellation.com
gwung@mwe.com
cmiller@szd.com
mkl@bbrslaw.com
myurick@cwslaw.com
mwhite@cwslaw.com
thomas.mcnamee@puc.state.oh.us
Christine.Pirik@puc.state.oh.us
john.jones@puc.state.oh.us
Gregory.Price@puc.state.oh.us