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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Cobra
Pipeline Company, LTD for Approval of
Special Arrangements with VIRCO, Inc.
pursuant to Ohio Rev. Code Section 4905.31

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Case No. 11-4276-PL-AEC

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**MOTION FOR PROTECTIVE ORDER
GRANTING CONFIDENTIAL TREATMENT**

Cobra Pipeline Company, LTD ("Cobra" or "Movant") Applicant moves pursuant to Ohio Administrative Code 4901-1-24(D) and 4901:1-24-01(O), for the entry of a Protective Order to designate as confidential certain terms set forth in the Agreements submitted as Exhibit A and Exhibit B with its Application for approval of those Agreements as special arrangements pursuant to Ohio Revised Code §4905.31. The terms for which Movant requests confidential treatment relate to pricing which terms Cobra considers confidential and proprietary, and which are maintained as confidential by the Company. Public disclosure of this information could be potentially harmful to Cobra's competitive position as an intrastate pipeline. Cobra asks further that its responses to any requests for additional information or clarification which Staff might make with regard to these terms be permitted to be filed under seal, pursuant to the same Protective Order requested herein. Cobra submits that public disclosure of pricing information will have a deleterious effect on competition. The grounds supporting this Motion are fully explained in the attached Memorandum.

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In conformance with Rule 4901-1-24(D)(2), OAC, three unredacted copies of the document containing the information for which protection is sought have been filed under seal.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER

Cobra requests that the price and volume information contained in the agreement set forth in Exhibit A attached to its Application be protected from public disclosure. Cobra submits that both parties to the agreement might be harmed by such public disclosure by providing competitors with proprietary trade secret information.

The Commission has recognized that “negotiated price...terms can be sensitive information in a competitive environment” in granting a protective order for price and quantity terms in negotiated transportation capacity contracts. See *In the Matter of the Application of North Coast Gas Transmission LLC for Approval of a New Contract and Amendments to Three Existing Contracts*, Case No. 05-1214-PL-AEC, 2005 Ohio PUC LEXIS 548 (Order entered Nov. 9, 2005). Where public disclosure of information otherwise not generally known by the public would jeopardize an entity’s business

position in negotiations and harm its ability to compete, the Commission has authorized confidential treatment. See *In the Matter of the Application of Vectren Retail LLC, d/b/a Vectren Source for Certification as a Retail Natural Gas Supplier in the State of Ohio*, Case No. 02-1668-GA-CRS, 2005 PUC LEXIS 286 (Entry issued on June 8, 2005, Finding No. 3). See also, *In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval of a Transfer of Facilities and Customers, and a Transportation Agreement with Utility Pipeline Ltd.*, Case No. 04-1417-GA-ATR, 2005 Ohio PUC LEXIS 46 (Order entered February 2, 2005, Findings 5 and 14).

The same rationale applies here. By the foregoing motion, Cobra requests that the information redacted from the public version of the agreement filed as Exhibit A to the joint application be protected from public disclosure pursuant to Rule 4901-1-24(D), Ohio Administrative Code ("OAC"). This rule provides, in pertinent part, as follows:

(D) Upon motion of any party or person filing 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 the attorney examiner assigned to the case 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, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure 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.

Movant submits, in accordance with the criteria set forth in this rule, that non-disclosure of the information is not inconsistent with the purposes of Title 49 of the

Revised Code. Further, because the Commission and its staff will have full access to the information for which protection is requested, the Commission's ability to perform its statutory obligations in connection with its review of the application will not be impaired in any way by granting this motion. Indeed, no legitimate purpose would be served by public disclosure of the designated information. On the other hand, the parties to the Negotiated Rate Natural Gas Transportation Service Agreement and Processing Services Agreement regard the redacted information as highly sensitive from a business standpoint.

Good cause having been demonstrated by the foregoing analysis, Cobra Pipeline Company LTD requests that a protective order issue protecting as a trade secret the information redacted from the special arrangement agreements set forth in Exhibits A and B to the Applicant's Application in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew J. Sonderman", written over a horizontal line.

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