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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

FILE

In the Matter of the Application by the)
Ohio Gas Company for Approval of)
the Special Arrangement for Firm Gas)
Transportation Service with Bailey-)
PVS Oxides (Delta), L.L.C.)

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Case No. 12-___-GA-AEC

MOTION OF OHIO GAS COMPANY FOR PROTECTIVE ORDER AND
MEMORANDUM IN SUPPORT

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February 23, 2012

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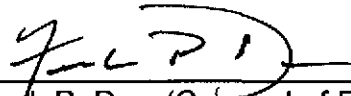
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Case No. 12-____-GA-AEC

MOTION OF OHIO GAS COMPANY FOR PROTECTIVE ORDER

Pursuant to Rule 4901-1-24, Ohio Administrative Code ("O.A.C."), Ohio Gas Company ("Ohio Gas") respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a Protective Order to protect the confidentiality and prohibit the disclosure of the confidential information contained in the Application filed under seal, which are not subject to disclosure and include competitively sensitive and highly proprietary business information comprising of trade secrets. The grounds for this Motion are set forth in the attached Memorandum in Support.

Respectfully Submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION AND BACKGROUND

On February 1, 2012, Ohio Gas Company ("Ohio Gas") and Bailey-PVS Oxides (Delta), L.L.C. ("Bailey") entered into a Special Arrangement for Firm Gas Transportation Service. As the Commission is aware, both Ohio Gas and its customers are price sensitive and seek to protect competitively sensitive information. In particular, Ohio Gas faces competition in the provision of transportation service from another facilities-based provider. In this instance, Ohio Gas is seeking to have the Commission grant it a protective order regarding the pricing of the services it is providing under this Special Arrangement.

II. ARGUMENT

As noted above, the pricing information associated with this Special Arrangement contains competitively sensitive and highly proprietary business information that constitutes trade secrets under Ohio law and the Commission's rules.

Rule 4901-1-24(D), O.A.C., provides for the issuance of an order that is necessary to protect the confidentiality of information contained in documents filed at

the Commission to the extent that state and federal law prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. State law recognizes the need to protect information that is confidential in nature, as is the pricing information contained in the Special Arrangement. The Commission has statutory authority to protect trade secrets.¹ Additionally, non-disclosure of the pricing information will not impair the purposes of Title 49 as the Commission and its Staff will have full access to the confidential information in order to complete its review process.

The pricing information constitutes a trade secret. The definition of trade secret contained in Section 1333.61(D), Revised Code, is as follows:

"Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any **business information or plans, financial information**, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Section 1333.61(D), Revised Code, (emphasis added).

Clearly, Ohio Gas's price information contained within the Bailey schedule is proprietary data and is confidential. Public disclosure of the pricing information would jeopardize both parties' business position and their ability to compete. Customer pricing terms are routinely accorded protected status by the Commission. The price

¹ See Sections 4901.12 and 4905.07, Revised Code.

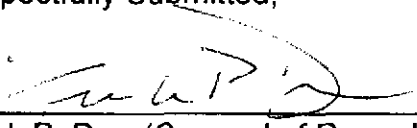
information Ohio Gas seeks to protect derives independent economic value from not being generally known and not being readily ascertainable by proper means by competitors. Further, the efforts to protect the confidential pricing information are reasonable under the circumstances.

Additionally, Rule 4901:1-38-05(D), O.A.C., requires utilities to treat customer information to obtain a unique arrangement as confidential by requesting confidential treatment of customer-specific information that is filed with the Commission, with the exception of customer names and addresses. It follows that Ohio Gas's customer-specific information regarding its unique arrangement should be treated as confidential.

III. CONCLUSION

Ohio Gas respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion of Ohio Gas Company for Protective Order and Memorandum in Support* was served upon the following parties of record this 23rd day of February 2012, via electronic transmission or first class mail, postage prepaid.


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**ON BEHALF OF THE PUBLIC UTILITIES
COMMISSION OF OHIO**