

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Ohio Edison)
Company, The Cleveland Electric Illuminating)
Company and The Toledo Edison Company For)
Authority to Provide a Standard Service Offer)
Pursuant to R.C. § 4928.143 in the Form of an)
Electric Security Plan)

PUCO
Case No. 12-1230-EL-SSO

JOINT MOTION FOR PROTECTIVE ORDER

The Northeast Ohio Public Energy Council ("NOPEC") and Northwest Ohio Aggregation Coalition ("NOAC"), pursuant to Ohio Administrative Code ("OAC") Rule 4901-1-24(D), jointly request that the Public Utilities Commission of Ohio ("Commission") issue a protective order keeping confidential certain portions of the Direct Testimony of Mark Frye filed on May 21, 2012 until such time as the Commission determines the information is not confidential. Three (3) unredacted copies of the confidential information have been filed under seal. The reasons supporting this motion are set forth in the attached memorandum in support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT OF JOINT MOTION FOR PROTECTIVE ORDER

The Northeast Ohio Public Energy Council (“NOPEC”) and Northwest Ohio Aggregation Coalition (“NOAC”) jointly request that certain portions of the Direct Testimony of Mark Frye be designated as confidential and protected from public disclosure until such time as the Public Utilities Commission of Ohio (the “Commission”) determines the information is not confidential. The material for which protection is sought includes information provided to NOPEC and/or NOAC through the discovery process, and labeled “confidential” under the terms of a protective agreement entered into by and between the Ohio Edison Company, The Cleveland Electric Illuminating Company and Toledo Edison Company (collectively “FirstEnergy”) and NOPEC and/or NOAC.

OAC Rule 4901-1-24(D) provides that the Commission or certain designated Commission employees may issue an 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. . . 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.” Moreover, Ohio Revised Code Section (“R.C.”) 4928.06(F)

specifically permits the Commission to grant confidentiality to competitive information. As set forth above, the information described above has been represented by FirstEnergy as confidential, and was provided to NOPEC and NOAC subject to protective agreements. Therefore, NOPEC and NOAC jointly request that certain portions of the Direct Testimony of Mark Frye be protected from public disclosure until such time as the Commission determines the information is not confidential. NOPEC and NOAC expressly reserve the right to challenge the confidentiality of the information under the terms of their respective protective agreements with FirstEnergy.

WHEREFORE, NOPEC and NOAC jointly request that this motion for protective order be granted until such time as the Commission determines the information is not confidential.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties of record by e-mail this 21st day of May 2012.

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