

In the Matter of the Review of The)
Alternative Energy Rider Contained in)
The Tariffs of Ohio Edison Company, The) Case No. 11-5201-EL-RDR
Cleveland Electric Illuminating Company)
and The Toledo Edison Company.)

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves¹ the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by FirstEnergy.² As part of discovery in this proceeding, FirstEnergy provided information to OCC, subject to a protective agreement, and FirstEnergy asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the *Revised Confidential Exhibit WG-3* (regarding the *Direct Testimony of Wilson Gonzalez* filed on January 31, 2012) that are asserted to be confidential by FirstEnergy. Subject to OCC's rights under the protective agreement, OCC is filing the *Revised Confidential Exhibit WG-3* (regarding the *Direct Testimony of Wilson Gonzalez* filed on

¹ This Motion is filed pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D).

² “FirstEnergy” means the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company.

January 31, 2012) under seal, and is also filing a public version that shows all information not claimed by FirstEnergy to be confidential.

By filing the instant Motion, OCC does not concede that the information constitutes trade secret information. However, OCC acknowledges that it has obtained this information pursuant to a protective agreement with FirstEnergy that provides for such information to be treated as confidential and protected (subject to OCC's right under the protective agreement to initiate a process for the PUCO to rule 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,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Melissa R. Yost

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OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of the *Revised Confidential Exhibit WG-3* (regarding the *Direct Testimony of Wilson Gonzalez* filed on January 31, 2012). In filing this Motion, OCC does not concede that the information in the *Revised Confidential Exhibit WG-3* (regarding the *Direct Testimony of Wilson Gonzalez* filed on January 31, 2012) is trade secret information pursuant to R.C. 1333.61(D) and does not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

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appropriate, subject to OCC's rights under its protective agreement with FirstEnergy to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version (redacted) of the *Revised Confidential Exhibit WG-3* (regarding the *Direct Testimony of Wilson Gonzalez* filed on January 31, 2012) so that all information not claimed by the FirstEnergy to be confidential is accessible for the public's review. The public version does not contain information that was asserted by FirstEnergy to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Melissa R. Yost

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order* by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via electronic mail this 15th day of February 2013.

/s/ Melissa R. Yost

Melissa R. Yost

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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Yost, Melissa Ms.