

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 Environmental Law and Policy Center, Ohio Environmental Council and Sierra Club (“Environmental Intervenors”) hereby move¹ 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 various parties, subject to various protective agreements, and FirstEnergy asserts that this information constitutes trade secret information under Ohio law.

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.

Reply Brief under seal, and are also filing a public version that shows all information not claimed by FirstEnergy to be confidential.

By filing the instant Motion, the Environmental Intervenors do not concede that the information constitutes trade secret information. However, the Environmental Intervenors acknowledge that they have obtained this information pursuant to a protective agreement with FirstEnergy that provides for such information to be treated as confidential and protected (subject to the Environmental Intervenors' 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,

/s/ Nicholas McDaniel

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The Environmental Intervenors file this Motion for Protective Order (“Motion”) contemporaneously with the filing of their *Reply Brief*. In filing this Motion, the Environmental Intervenors do not concede that the information in their *Reply Brief* is trade secret information pursuant to R.C. 1333.61(D) and do not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

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FirstEnergy to initiate a process to determine whether the information should be protected.

In addition, the Environmental Law and Policy Center, Ohio Environmental Council and Sierra Club are filing a public version (redacted) of their *Reply Brief* so that all information not claimed by 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,

/s/ Nicholas McDaniel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order* by the Environmental Intervenors has been served upon those persons listed below via electronic mail this 6th day of May 2013.

/s/ Christopher J. Allwein

Christopher J. Allwein
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/6/2013 2:13:10 PM

in

Case No(s). 11-5201-EL-RDR

Summary: Motion for a Protective Order electronically filed by Mr. Christopher J Allwein on behalf of Environmental Law and Policy Center and Ohio Environmental Council and THE SIERRA CLUB