

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.

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.

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

Melissa R. Yost, Counsel of Record
Deputy Consumers' Counsel
Edmund "Tad" Berger
Michael Schuler
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485

(614) 466-1291 (Yost)

(614) 466-1292 (Berger)

(614) 466-9547 (Schuler)

yost@occ.state.oh.us

berger@occ.state.oh.us

schuler@occ.state.oh.us

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.)

OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of its *Memorandum Contra*. In filing this Motion, OCC does not concede that the information in its *Memorandum Contra* 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).

1

In addition, OCC is filing a public version (redacted) of its *Memorandum Contra* 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

Melissa R. Yost, Counsel of Record
Deputy Consumers' Counsel
Edmund "Tad" Berger
Michael Schuler
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

(614) 466-1291 (Yost)

(614) 466-1292 (Berger)

(614) 466-9547 (Schuler)

yost@occ.state.oh.us

berger@occ.state.oh.us

schuler@occ.state.oh.us

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 16th day of September 2013.

/s/ Melissa R. Yost

Melissa R. Yost
Deputy Consumers' Counsel

SERVICE LIST

william.wright@puc.state.oh.us
Thomas.lindgren@puc.state.oh.us
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
jkyler@BKLawfirm.com
cdunn@firstenergycorp.com
dakutik@jonesday.com
burkj@firstenergycorp.com
TDougherty@theOEC.org
CLoucas@theOEC.org

mkl@bbrslaw.com
todonnell@bricker.com
tsiwo@bricker.com
robinson@citizenpower.com
callwein@wamenergylaw.com
mhpetricoff@vorys.com
lkalepsclark@vorys.com
mjsettineri@vorys.com
fmerrill@bricker.com
mwarnock@bricker.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/16/2013 12:55:12 PM

in

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

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.