

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

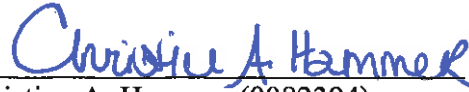
In the Matter of the Commission's Alternative)	
Energy Portfolio Standard Report to the)	Case No. 13-1909-EL-ACP
General Assembly for the 2012 Compliance)	
Year)	

DPL ENERGY RESOURCES, INC.'S MOTION FOR PROTECTIVE ORDER

DPL Energy Resources, Inc. ("DPLER" or "the Company") moves pursuant to Ohio Administrative Code §4901-1-24(D), for the entry of a Protective Order to designate as confidential portions of Attachment 1 to DPLER's response to the Entry made in Case No. 13-1909-EL-ACP. ("Confidential Information")

The cost data of RECs, as well as detailed and supporting calculations about bundled products, power purchases agreements, or self-generated RECs, constitutes proprietary, trade secret material, the public disclosure of which would subject DPLER to an unfair competitive disadvantage. This information is maintained as confidential by the Company. The reasons in support of this motion are fully explained in the attached memorandum. Three unredacted copies of the Attachment 1 have been submitted under seal.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

In Paragraph 5 of the Entry issued October 29, 2013 in Case No. 13-1909-EL-ACP, the Attorney Examiner states “If any reporting company believes that its average REC cost data for the 2012 compliance year should be protected from public disclosure as a trade secret, it should file the information under seal with a motion for protective order pursuant to Rule 4901-1-24, Ohio Administrative Code”.

DPLER is submitting, contemporaneously with this motion, its response to the entry made in Case No. 13-1909-EL-ACP. Attachment 1 contains the average cost data for RECs for each of the following four categories: (a) Ohio solar, (b) Other solar, (c) Ohio non-solar, (d) Other non-solar. Attachment 1 also contains details and supporting calculations as to how REC costs were determined if purchased as part of a bundled product, power purchase agreement, or were self-generated. This level of detail contains proprietary, trade secret materials. Maintaining the confidentiality of its REC costs is

critical to DPLER realizing the value of its efforts and its ability to purchase RECs moving forward. Moreover, making such information publically available would subject DPLER to a substantial competitive disadvantage.

O.A.C. §4901-1-24(D) provides that the Commission or certain designated employees may issue an order which is necessary to protect the confidentiality of information contained in documents filed with the Commission's Docketing Division to the extent that state or federal law prohibits the release of the 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 certain types of information which are the subject of this motion. The average cost of DPLER's REC supply will not impair the purposes of Title 49. The Commission and its Staff have full access to the information in order to fulfill its statutory obligations. Further, only that information as is essential to prevent disclosure of Confidential Information was redacted from the publically filed document. No purpose of Title 49 would be served by the public disclosure of this highly proprietary, confidential information.

The definition of a "trade secret" is set forth in the Uniform Trade Secrets Act:

"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.¹

This definition clearly reflects the state policy favoring the protection of trade secrets such as REC cost which is the subject of this motion. The information being redacted is DPLER's cost data of RECs, as well as detailed and supporting calculations about bundled products, power purchases agreements, or self-generated RECs. Making it publically available could have an adverse affect on the REC market in Ohio and DPLER's ability to transact RECs in the future.

DPLER considers this Confidential Information to be proprietary, confidential and a trade secret as defined by O.R.C. § 1333.61(D). The Confidential Information is not known outside of DPLER, and is not disseminated to internal employees unless those employees have a legitimate business need to know the information. Maintaining the confidentiality of this information will allow the Company to realize the value of its considerable efforts in developing this supply chain, while preventing an undue competitive disadvantage to DPLER, as well as assisting in fostering the interests of maintaining a fair and robust competitive REC marketplace within Ohio.

WHEREFORE, for the foregoing reasons, DPLER respectfully requests that the Commission grant this Motion for Protective Order and allow the unredacted Attachment 1 to DPLER's response to the Entry made in Case No. 13-1909-EL-ACP, designated as Confidential Information, to remain under seal.

¹ O.R.C. § 1333.61(D).

Respectfully submitted,



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Summary: Motion and memorandum in support for protective order electronically filed by Eric R Brown on behalf of DPL Energy Resources Inc.