

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Material)	
Sciences Corporation,)	Case No. 13-2145-EL-CSS
)	
Complainant,)	
)	
v.)	
)	
The Toledo Edison Company,)	
)	
Respondent.)	

THE TOLEDO EDISON COMPANY’S MOTION FOR PROTECTIVE ORDER

Pursuant to O.A.C. 4901-1-24(D), The Toledo Edison Company (“Company”) moves for a protective order keeping confidential the following customer-specific information, which is contained and/or referenced in the testimony of the Company’s witnesses and the exhibits thereto, because the information is or may be deemed to be the confidential, proprietary, trade secret, and/or competitive business information of Complainant Material Sciences Corporation (“MSC”):

- The total dollar amount of the credits MSC has received as result of participating in Rider ELR;
- MSC’s measured load during the September 11, 2013 Emergency Curtailment Event at issue in this matter;
- MSC’s historic load factor and billing demand; and,
- The total dollar amount of the discounts MSC has received via a provision of the Company’s Electric Security Plan, Case No. 12-1230-EL-SSO.

MSC, through counsel, has indicated that it views the referenced information as confidential. Accordingly, the Company requests that the Commission grant this Motion and

protect from disclosure the confidential information. A Memorandum in Support of this Motion is attached hereto and incorporated herein by reference.

Respectfully submitted,

/s/ Laura C. McBride

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On behalf of The Toledo Edison Company

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MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

The Toledo Edison Company (“Company”) requests that the Commission protect from public disclosure the information identified on Attachment A, which includes the following customer-specific information of Complainant Material Sciences Corporation (“MSC”):

- The total dollar amount of the credits MSC has received as result of participating in Rider ELR;
- MSC’s measured load during the September 11, 2013 Emergency Curtailment Event at issue in this matter;
- MSC’s historic load factor and billing demand; and,
- The total dollar amount of the discounts MSC has received via its \$2/kVA – ESP III discount.

The referenced information is pertinent to the issues raised in this matter. However, it is also the type of customer-specific information that the Company generally deems to be confidential. Moreover, because the information reflects MSC’s usage, it could be deemed to be sensitive proprietary and competitive business information. MSC, through counsel, has indicated that it views the information as confidential.

Ohio law and the Commission's rules provide for the protection of confidential and proprietary information. Specifically, O.A.C. 4901-1-24(A) provides the Commission may issue:

[A]ny order which is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Such a protective order may provide that: . . .

(7) A trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way.

Pursuant to O.A.C. 4901-1-24(D), the Commission also may issue an order to protect the confidentiality of information contained in documents filed with the Commission 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. Here, the information the Company seeks to protect could potentially harm MSC by providing its competitors with confidential, proprietary, or competitively-sensitive data. Thus, such information warrants the Commission's protection, and non-disclosure is not inconsistent with the purposes of Title 49. The Commission will have full access to the information in order to fulfill its statutory obligations.

For the foregoing reasons, The Toledo Edison Company requests that the Commission protect from public disclosure the documents identified on Attachment A, which is contained in the pre-filed testimony of the Company's witnesses.

Respectfully submitted,

/s/ Laura C. McBride

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On behalf of The Toledo Edison Company

ATTACHMENT A

Direct Testimony of Joanne M. Savage on Behalf of The Toledo Edison Company

- Page 8, Line 4: Data indicating the total value of the credits MSC has received during a certain period of time under Rider ELR.

Direct Testimony of Peter Blazunas on Behalf of The Toledo Edison Company

- Page 12, Line 19: Data regarding MSC's load factor and all other Toledo Edison GT customers' collective load factor.
- Page 15, Line 2: Data indicating the total value of the discount provided to MSC in Case No. 12-1230-EL-SSO (Toledo Edison's "ESP 3")
- Exhibit PRB-2: Data and information regarding MSC's usage, demand, load factor, and infrastructure budgets.
- Exhibit PRB-3: Data regarding MSC's monthly and average usage, demand, and load factor.
- Exhibit PRB-4: Data regarding the calculation of MSC's penalties under Rider ELR, including MSC's usage and the value of the credits MSC has received during a certain period of time under Rider ELR.

CERTIFICATE OF SERVICE

The PUCO's e-filing system will electronically serve notice of filing of this document on the party set forth below, and in addition, a copy of the foregoing *The Toledo Edison Company's Motion for Protective Order* and the *Memorandum in Support* thereof were served this 2nd day of May, 2014, via electronic mail on:

Craig I. Smith
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/s/ Laura C. McBride
On behalf of The Toledo Edison Company

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Commission of Ohio Docketing Information System on

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Case No(s). 13-2145-EL-CSS

Summary: Motion for Protective Order electronically filed by Ms. Laura C. McBride on behalf of
The Toledo Edison Company