

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio       )  
Power Company for Authority to                )  
Establish a Standard Service Offer            )  
Pursuant to §4928.143, Revised Code,        )  
in the Form of an Electric Security Plan.      )

Case No. 13-2385-EL-SSO

In the Matter of the Application of Ohio       )  
Power Company for Approval of                )  
Certain Accounting Authority.                 )

Case No. 13-2386-EL-AAM

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**MOTION FOR PROTECTIVE ORDER  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by the Ohio Power Company ("AEP Ohio" or "Utility").<sup>1</sup> As part of discovery in this proceeding, AEP Ohio provided information to OCC, subject to a protective agreement, and AEP Ohio 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 Direct Testimony of OCC witness James F. Wilson that are asserted to be confidential by AEP Ohio. Subject to OCC's rights under the protective agreement, OCC is filing the Direct Testimony of James F. Wilson under seal, and is also filing a public version that shows all information not claimed by AEP Ohio to be confidential.

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

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 AEP Ohio 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/ Maureen R. Grady  
Maureen R. Grady, Counsel of Record  
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**MEMORANDUM IN SUPPORT**

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OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of the Direct Testimony of James F. Wilson. In filing this Motion, OCC does not concede that the information in the Direct Testimony of James F. Wilson 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).

OCC understands that AEP Ohio considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC’s understanding is based on claims by AEP Ohio that the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *See* R.C. 1333.61(D). Under the assertions made by AEP Ohio, at this time, confidential treatment of the redacted information in the Direct Testimony of James F. Wilson would be appropriate,

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

In addition, OCC is filing a public version of the Direct Testimony of James F. Wilson so that all information not claimed by AEP Ohio to be confidential is accessible for the public's review. The public version does not contain information that was asserted by AEP Ohio 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/ Maureen R. Grady  
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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 transmission this 6<sup>th</sup> day of May, 2014.

/s/ Maureen R. Grady  
Maureen R. Grady  
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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms.