

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter Of The Application Of Duke)	
Energy Ohio, Inc. For Authority To Establish)	
A Standard Service Offer Pursuant To Section)	Case No. 14-841-EL-SSO
4928.143 Revised Code, In The Form Of An)	
Electric Security Plan, Accounting Modifications)	
And Tariffs For Generation Service)	
)	
In The Matter Of The Application Of Duke)	
Energy Ohio, Inc. For Authority To Amend)	Case No. 14-842-EL-ATA
Its Certified Supplier Tariff, P.U.C.O. No. 20)	

**MOTION FOR PROTECTIVE ORDER
BY
THE SIERRA CLUB**

The Sierra Club hereby moves¹ the Public Utilities Commission of Ohio (“PUCO”) for a protective order regarding information asserted to be confidential and highly confidential by Duke Energy of Ohio (“Duke” or “Company”). As part of discovery in this proceeding, Duke provided information to certain parties, subject to various protective agreements, and the Company asserts that certain information constitutes trade secret information under Ohio law.

Sierra Club 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 Sierra Club’s *Direct Testimony of Sarah E. Jackson* that are asserted to be confidential or highly confidential by the Company or by the Ohio Valley Electric Corporation (“OVEC”). Subject to Sierra Club’s rights under the protective agreements, the Sierra Club is filing their *Direct Testimony of Sarah E. Jackson* under seal, and is also

filing a public version that shows all information not claimed by Duke or OVEC to be confidential.

By filing the instant Motion, Sierra Club does not concede that the information constitutes trade secret, highly confidential, or confidential information. However, Sierra Club acknowledges that this information was obtained pursuant to a protective agreement with Duke or with OVEC that provides for such information to be treated as confidential and protected (subject to the Sierra Club's rights 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.

/s/Christopher J. Allwein
Christopher J. Allwein (0084914)
Todd M. Williams (0083647)
Williams, Allwein and Moser, LLC
1500 West Third Ave., Suite 330
Columbus, Ohio 43212
Telephone: (614) 429-3092
Fax: (614) 670-8896
callwein@wamenergylaw.com
toddm@wamenergylaw.com

Tony G. Mendoza
Sierra Club
Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105-3459
Phone: 415-977-5589
Fax: 415-977-5793
tony.mendoza@sierraclub.org

Attorneys for Sierra Club

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

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter Of The Application Of Duke)	
Energy Ohio, Inc. For Authority To Establish)	
A Standard Service Offer Pursuant To Section)	Case No. 14-841-EL-SSO
4928.143 Revised Code, In The Form Of An)	
Electric Security Plan, Accounting Modifications)	
And Tariffs For Generation Service)	
)	
In The Matter Of The Application Of Duke)	
Energy Ohio, Inc. For Authority To Amend)	Case No. 14-842-EL-ATA
Its Certified Supplier Tariff, P.U.C.O. No. 20)	

MEMORANDUM IN SUPPORT

The Sierra Club files this Motion for Protective Order (“Motion”) contemporaneously with the filing of their *Direct Testimony of Sarah E. Jackson*. In filing this Motion, Sierra Club does not concede that the information in the document 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).

The Sierra Club understands that Duke or OVEC 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).² Sierra Club’s understanding is based on claims by Duke 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

² The Environmental Intervenors also acknowledge the ruling in the Opinion and Order as described in footnote 3.

secrecy. *See* R.C. 1333.61(D). Under the assertions made by the Company and OVEC at this time, confidential treatment of the redacted information in Sierra Club's testimony would be appropriate, subject to the Sierra Club's rights under their protective agreements with Duke and OVEC to initiate a process to determine whether the information should be protected.

In addition, Sierra Club is filing a public version (redacted) of the *Direct Testimony of Sarah E. Jackson* so that all information not claimed by Duke to be confidential is accessible for the public's review. The public version does not contain information that was asserted by Duke 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/Christopher J. Allwein
Christopher J. Allwein (0084914)
Todd M. Williams (0083647)
Williams, Allwein and Moser, LLC
1373 Grandview Ave., Suite 212
Columbus, Ohio 43212
Telephone: (614) 429-3092
Fax: (614) 670-8896
callwein@wamenergylaw.com
toddm@wamenergylaw.com

Tony G. Mendoza
Sierra Club
Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105-3459
Phone: 415-977-5589
Fax: 415-977-5793
tony.mendoza@sierraclub.org

Attorney for Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order* by Sierra Club has been served upon those persons listed below via electronic mail this 26th day of September 2014.

/s/ Christopher J. Allwein

Christopher J. Allwein
Williams Allwein & Moser, LLC

SERVICE LIST

Steven.beeler@puc.state.oh.us
Thomas.lindgren@puc.state.oh.us
Ryan.orourke@puc.state.oh.us
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com
Schmidt@sppgrp.com
Judi.sobecki@aes.com
Bojko@carpenterlipps.com
allison@carpenterlipps.com
cmooney@ohiopartners.org
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com
asonderman@keglerbrown.com
mkimbrough@keglerbrown.com
hussey@carpenterlipps.com
mhpeticoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com
dmason@ralaw.com
mtraven@ralaw.com
rchamberlain@okenergylaw.com
dstinson@bricker.com
dborchers@bricker.com

Amy.Spiller@duke-energy.com
Elizabeth.watts@duke-energy.com
Rocco.dascenzo@duke-energy.com
Jeanne.Kingery@duke-energy.com
haydenm@firstenergycorp.com
jmcdermott@firstenergycorp.com
scasto@firstenergycorp.com
joliker@igsenergy.com
joseph.clark@directenergy.com
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
tdougherty@theOEC.org
dhart@douglasshart.com
cloucas@ohiopartners.org
gpoulos@enernoc.com
swilliams@nrdc.org
tobrien@bricker.com
ghull@eckertseamans.com
jvickers@elpc.org
Maureen.grady@occ.ohio.gov
berger@occ.state.oh.us
serio@occ.state.oh.us

Attorney Examiners:

Christine.pirik@puc.state.oh.us
Nicholas.walstra@puc.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/26/2014 2:34:32 PM

in

Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA

Summary: Motion for Protective Order electronically filed by Mr. Christopher J. Allwein on behalf of SIERRA CLUB