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BEFORE
THE PUBLIC UTILITY COMMISSION OF OHIO

IN THE MATTER OF THE	§	Case No. 14-2328-EL-ACP
COMMISSION'S ALTERNATIVE	§	
ENERGY PORTFOLIO	§	
STANDARD REPORT TO THE	§	
GENERAL ASSEMBLY FOR THE	§	
2013 COMPLIANCE YEAR	§	

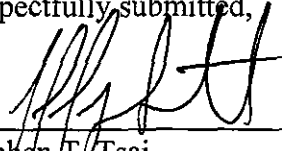
MOTION FOR PROTECTIVE ORDER

Pursuant to the provisions of Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C.") and the February 26, 2015 Entry, Champion Energy Services, LLC ("Champion"), respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a protective order to protect the confidentiality and prohibit disclosure of certain information related to its Alternative Energy Resources Report for Calendar Year 2013 compliance obligations. This document has been clearly marked as confidential and is hereby filed under seal. A redacted public version is also being filed in the above-captioned docket.

The grounds for the instant Motion are set forth in the attached Memorandum in Support.

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Respectfully submitted,



submission

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March 11, 2015

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MEMORANDUM IN SUPPORT

On April 15, 2014, in case No. 14-0671-EL-ACP, Champion Energy Services, LLC ("Champion") filed a redacted version of its Alternative Energy Supply Portfolio Report for 2013, filed a motion for protective order, and submitted a confidential version under seal. By Entry of February 26, 2015 in Case No. 14-2328-EL-ACP, all electric distribution utilities and electric services companies, including Champion, were directed to file in Case No. 14-2328-EL-ACP, by March 12, 2015, the average cost data for the renewable energy credits ("RECs") that it has retired or will be retiring to demonstrate compliance with its 2013 Ohio Alternative Energy Portfolio Status Report obligations. The Attorney Examiner also indicated that if any renewable energy credits were purchased as part of a bundled product (i.e., renewable power purchase agreement) or were self-generated, reporting companies should include details and supporting calculations as to how the reported renewable energy credit costs were determined. The Attorney Examiner also indicated that if any reporting company believed that its average REC cost data for the 2013 compliance year should be protected from public disclosure as a trade secret, it should submit the information under seal with a motion for protective order pursuant to Rule 4901-1-24, O.A.C.

Champion has submitted its average REC cost data under seal because this information is

competitively sensitive and requires confidential treatment. Consequently, Champion requests that the Commission maintain the confidential nature of this document and the information contained therein and protect the document from public disclosure.

Rule 4901-1-24(D), O.A.C., provides for the issuance of an order to protect the confidentiality of information contained in documents filed at the Commission to the extent that state and federal laws prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code ("R.C."). State law recognizes the need to protect information that is confidential in nature, as is the average REC cost data. Section 4928.06(F), R.C., specifically permits the Commission to grant confidentiality to competitive information.¹ Sections 4901.12 and 4905.07, R.C., facilitate the protection of trade secrets in the Commission's possession.² Both Sections 4901.12 and 4905.07, R.C., reference Section 149.43, R.C., thereby incorporating the provision that excepts from the

¹ Section 4928.06(F), R.C., provides: "An electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code shall provide the commission with such information, regarding a competitive retail electric service for which it is subject to certification, as the commission considers necessary to carry out this chapter. An electric utility shall provide the commission with such information as the commission considers necessary to carry out divisions (B) to (E) of this section. The commission shall take such measures as it considers necessary to protect the confidentiality of any such information."

² Section 4901.12, R.C., provides: "Except as otherwise provided in section 149.43 of the Revised Code and as consistent with the purposes of Title XLIX [49] of the Revised Code, all proceedings of the public utilities commission and all documents and records in its possession are public records."

Section 4905.07, R.C., provides: "Except as provided in section 149.43 of the Revised Code and as consistent with the purposes of Title XLIX [49] of the Revised Code, all facts and information in the possession of the public utilities commission shall be public, and all reports, records, files, books, accounts, papers, and memorandums of every nature in its possession shall be open to inspection by interested parties or their attorneys."

public record information and records the release of which is prohibited by law.³

State law also prohibits the release of information meeting the definition of a trade secret. This report contains competitively sensitive and highly proprietary business financial information falling within the statutory characterization of a trade secret as defined by Section 1333.61(D), R.C.⁴ Public disclosure of this information would jeopardize Champion's business position and its ability to compete. Champion asserts that this information is not generally known by the public and is held in confidence in the normal course of business. Additionally, non-disclosure of the information will not impair the purposes of Title 49 as the Commission and its Staff will have full access to the requested information in order to complete their review process. Therefore, Champion respectfully requests that its average REC cost data be treated as confidential by this Commission and its Staff.

Champion therefore respectfully requests that its Motion for Protective Order be granted for the reasons set forth herein.

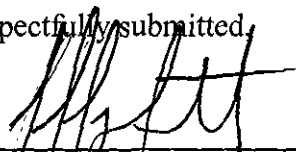
³ Section 149.43(A)(1)(v), R.C., provides in part: "'Public record' does not mean records the release of which is prohibited by state or federal law."

⁴ Section 1333.61(D), R.C., defines trade secret to mean 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.

Section 1333.61(D), R.C. (emphasis added).

Respectfully submitted,



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