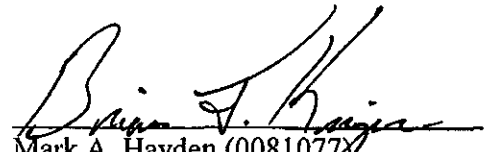


This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician MAA Date Processed APR 14 2015

Date: April 14, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Hayden", is written over the printed name.

Mark A. Hayden (0081077)  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, OH 44308  
(330) 761-7735  
(330) 384-3875 (fax)  
haydenm@firstenergycorp.com

Brian J. Knipe (0090299)  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, OH 44308  
(330) 384-5795  
(330) 384-3875 (fax)

ATTORNEYS FOR FIRSTENERGY  
SOLUTIONS CORP.

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	
<b>Illuminating Company, and The Toledo</b>	)	<b>Case No. 14-1297-EL-SSO</b>
<b>Edison Company for Authority to Provide for</b>	)	
<b>a Standard Service Offer Pursuant to R.C.</b>	)	
<b>4928.143 in the Form of An Electric Security</b>	)	
<b>Plan</b>	)	

---

**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

---

**I. INTRODUCTION AND OVERVIEW**

On March 31, 2015, Sierra Club filed its Subpoena Duces Tecum Directed to FirstEnergy Solutions Corp. In response, FirstEnergy Solutions Corp. ("FES") is filing its Motion to Quash concurrently with this Motion. Attached to FES's Motion to Quash are Exhibit 2 and Appendix B. Exhibit 2 is a table listing verbatim discovery requests that were served on the Companies. These requests contain or make specific reference to the Proprietary Data that was filed with the Companies Application and granted protection pursuant to the December 1, 2014 Entry in this proceeding. Entry at 10-11 (Dec. 1, 2014). Appendix B contains pages from deposition transcripts of the confidential portions of depositions of various witnesses to this proceeding. The deposition transcript pages at issue also contain or make specific reference to the same sort of Proprietary Data.

**II. ARGUMENT**

As with the Proprietary Data that was filed with the Companies' Application, and granted protection in the December 1 Entry, the Proprietary Data contained in Exhibit 2 and Appendix B is highly competitively sensitive in nature and proprietary to FES. It thereby warrants continued

protection as a trade secret should be allowed to remain under seal accordingly. As demonstrated below, FES has at all times safeguarded this information. Moreover, the public disclosure of this information would cause competitive harm to FES and place FES at a severe competitive disadvantage.

Pursuant to Rule 4901-1-24(A)(7), the Commission may issue an order to protect trade secrets from public disclosure. *See* Rule 4901-1-24(A)(7). Under Ohio law, the determination of trade secret status is made pursuant to Section 1333.61(D). In pertinent part, Section 1333.61(D) provides that a “trade secret” is:

Information . . . 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.

R.C. 1333.61(D).

The Commission routinely grants protection to cost, pricing, and forecasting information like the Proprietary Data and protects trade secrets that are contained in deposition transcripts or exhibits to filings from public dissemination. *See, e.g., In the Matter of the Fuel Adjustment Clause of Columbus Southern Power Company and Ohio Power Company and Related Matters for 2010*, Case No. 10-268-EL-FAC, 2014 Ohio PUC LEXIS 104 at \*20-21 (May 14, 2014) (granting trade secret protection to “competitive cost and financial information” related to coal inventories and contracts); *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust Rider DR-IM and Rider AU for 2010 SmartGrid Costs and Mid-Deployment Review*, Case No. 10-2326-GE-RDR, 2012 Ohio PUC LEXIS 89 at \*2-7 (Jan. 25, 2012) (granting protection to growth projections and other forecasting information pursuant to Section 1333.61); *In the Matter*

*of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals*, Case No. 10-2376-EL-UNC, 2011 Ohio PUC LEXIS 1253 (Nov. 18, 2011) (granting trade secret protection to, among other things, the volume of customer load related to generation rates as well as other price and cost information); *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates*, Case No. 08-709-EL-AIR, 2009 Ohio PUC LEXIS 989 at \*3-4 (Nov. 13, 2009) (granting protection to deposition transcripts and exhibits that contained trade secrets).

Here, the information in Exhibit 2 and Appendix B satisfies both prongs of Section 1333.61(D). As noted, Exhibit 2 is comprised of a table that contains a verbatim list of several interrogatory requests that contain or make reference to the Proprietary Data. Likewise, Appendix B contains transcript pages of confidential deposition testimony in which the Proprietary Data is referenced and discussed.

Pursuant to Section 1333.61(D)(1), this information bears “independent economic value.” Its public disclosure would place FES at a severe competitive disadvantage and would cause grievous economic harm to FES. Access to this information by a competitor would provide a window into almost every aspect of FES’s internal business operations related to its generation assets. Further, FES has at all times safeguarded the information related to these topics and access to this information is restricted and not publicly available. The only intervenors who have had access to this information have executed the appropriate protective agreements and it has not otherwise been disclosed. FES has thereby made reasonable efforts to maintain its secrecy. The Proprietary Data contained in Exhibit 2 and Appendix B to FES’s Motion to Quash thus warrants continued Commission protection as a trade secret. *See In re Fuel Adjustment Clauses* at \*20-21; *In re Duke Energy Ohio* at \*2-7; *In re Ohio Power Company* at \*3-4.

### III. CONCLUSION

For the foregoing reasons, the Commission should grant FES's Motion for Protective Order.

Date: April 14, 2015

Respectfully submitted,



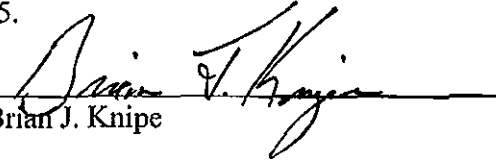
Mark A. Hayden (0081077)  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, OH 44308  
(330) 761-7735  
(330) 384-3875 (fax)  
haydenm@firstenergycorp.com

Brian J. Knipe (0090299)  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, OH 44308  
(330) 384-5795  
(330) 384-3875 (fax)

ATTORNEYS FOR FIRSTENERGY  
SOLUTIONS CORP.

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion for Protective Order has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on April 14, 2015.

  
Brian J. Knipe

cmooney@ohiopartners.org  
drinebolt@ohiopartners.org  
tdougherty@theoec.org  
joseph.clark@directenergy.com  
ghull@eckertseamans.com  
sam@mwncmh.com  
fdarr@mwncmh.com  
mpritchard@mwncmh.com  
mkurtz@BKLawfirm.com  
kboehm@BLKlawfirm.com  
jkylercohn@BKLawfirm.com  
larry.sauer@occ.ohio.gov  
Michael.schuler@occ.ohio.gov  
joliker@igsenergy.com  
mswhite@igsenergy.com  
myurick@taftlaw.com  
Schmidt@sppgrp.com  
ricks@ohanet.org  
tobrien@bricker.com  
stnourse@aep.com  
mjsatterwhite@aep.com  
yalami@aep.com  
callwein@wamenergylaw.com  
jfinnigan@edf.org  
wttpmlc@aol.com  
mkl@bbrslaw.com  
gas@bbrslaw.com  
ojk@bbrslaw.com  
lhawrot@spilmanlaw.com  
dwilliamson@spilmanlaw.com  
meissnerjoseph@yahoo.com  
trhayslaw@gmail.com  
lesliekovacic@toledo.oh.gov  
Cynthia.brady@exeloncorp.com  
David.fein@exeloncorp.com

Christopher.miller@icemiller.com  
Gregory.dunn@icemiller.com  
Jeremy.grayem@icemiller.com  
athompson@taftlaw.com  
Marilyn@wflawfirm.com  
Blanghenry@city.cleveland.oh.us  
hmadorsky@city.cleveland.oh.us  
kryan@city.cleveland.oh.us  
glpetrucci@vorys.com  
ccunningham@akronohio.gov  
bojko@carpenterlipps.com  
Allison@carpenterlipps.com  
hussey@carpenterlipps.com  
gkrassen@bricker.com  
dborchers@bricker.com  
mkimbrough@keglerbrown.com  
mfleisher@elpc.org  
jscheaf@mcdonaldhopkins.com  
mitch.dutton@fpl.com  
matt@matthewcoxlaw.com  
todonnell@dickinson-wright.com  
dwolff@crowell.com  
rlehfeldt@crowell.com  
Jeffrey.mayes@monitoringanalytics.com  
toddm@wamenergylaw.com  
sechler@carpenterlipps.com  
gpoulos@enemoc.com  
mhpetricoff@vorys.com  
Thomas.mcnamee@puc.state.oh.us  
Ryan.orourke@puc.state.oh.us  
sfisk@earthjustice.org  
msoules@earthjustice.org  
tony.mendoza@sierraclub.org  
Lael.campbell@exeloncorp.com  
dstinson@bricker.c