

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Columbus)	
Southern Power Company and Ohio Power)	
Company for Authority to Establish a)	Case No. 11-346-EL-SSO
Standard Service Offer Pursuant to Section)	Case No. 11-348-EL-SSO
4928.143, Revised Code, in the Form of an)	
Electric Security Plan)	
In the Matter of the Application of Columbus)	
Southern Power Company and Ohio Power)	Case No. 11-349-EL-AAM
Company for Approval of Certain)	Case No. 11-350-EL-AAM
Accounting Authority)	

**OHIO POWER COMPANY'S
MOTION FOR RENEWAL OF PROTECTIVE ORDER**

Ohio Power Company ("AEP Ohio") moves under Rule 4901-1-24(F) of the Ohio Administrative Code ("OAC") to renew and extend the protective order granted by the Commission's August 8, 2012 Finding and Order and extended by the Attorney Examiner's January 20, 2014 Entry. As explained in the attached Memorandum in Support, the grounds on which the Commission initially protected this information and the Attorney Examiner extended the protective treatment have not changed. The Confidential Information remains exempted from public disclosure because it is confidential, proprietary, competitively sensitive, and a trade secret. Accordingly, AEP Ohio respectfully requests that the Commission extend the current protective order for twenty-four months pursuant to OAC 4901-1-24(F).

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MEMORANDUM IN SUPPORT

On May 2, 2012, AEP Ohio filed a motion for a protective order in this proceeding, seeking protective treatment of supplemental testimony and corresponding exhibits of AEP Ohio witness Nelson containing confidential and proprietary information relating to the Turning Point Solar project. On May 11, 2012, AEP Ohio filed an additional motion for a protective order to support the protection of confidential AEP Ohio information contained within the testimony of IEU witness Murray, FES witness Lesser, and Exelon witness Fein. On the record during the evidentiary hearing in these proceedings on May 17, 2012, AEP Ohio also sought the continuation of protective treatment of exhibits attached to the testimony of AEP Ohio witness Godfrey, as previously set forth in AEP Ohio's July 1, 2011, motion for a protective order. Tr. Vol. I. at 24. On July 5, 2012, AEP Ohio filed a motion for a protective order over the items contained within the initial briefs of Ormet and IEU, noting that they contain proprietary and trade secret information. On July 12, 2012, AEP Ohio filed a motion for a protective order in support of Ormet's July 9, 2012, motion for a protective order over items contained in Ormet's reply brief, noting it contains AEP Ohio's confidential trade secret information.

At the evidentiary hearing on May 17, 2012, the attorney examiners granted the motions for a protective order filed by AEP Ohio related to the information contained in the identified testimonies and exhibits, finding the information specified within AEP Ohio's motions constitutes confidential, proprietary, and trade secret information, and meets the requirements of Rule 4901-1-24(F), Ohio Administrative Code. *Id.* at 23-24. In its August 8, 2012, Opinion and Order, the Commission affirmed the attorney examiners' decision. Opinion and Order at 9 (Aug. 8, 2012). In its August 8, 2012, Opinion and Order, the Commission also affirmed protective treatment for the information contained within the initial brief of IEU and Ormet and the reply

brief of Ormet. *Id.* at 10. The confidential information was initially subject to a protective order for 18 months from the issuance of the Commission's August 8, 2012, Opinion and Order, until February 8, 2014.

On January 30, 2014, the attorney examiner granted AEP Ohio's request to extend the protective order in this case for a period of eighteen months, ending on August 8, 2015. The attorney examiner found:

The information, for which AEP-Ohio seeks to continue protective treatment, was previously reviewed by the Commission and determined to comply with the requirements for a protective order. Further, the protected information retains independent economic value and continues to be the subject of reasonable efforts to maintain its secrecy pursuant to R.C. 1333.61(D), as well as the six-factor test set forth by the Ohio Supreme Court. The attorney examiner finds that the information constitutes trade secret information and its release is, therefore, prohibited under state law. Further, the attorney examiner finds that nondisclosure of this information is not inconsistent with the purposes of Title 49 of the Revised Code. Therefore, the motion for an extension of the protective order is reasonable and should be granted.

Entry at 2-3 (Jan. 30, 2014).

The confidential information, which was previously found to be confidential, proprietary, and competitively sensitive by the Commission and the attorney examiner, should remain confidential for an additional 24-month period from the expiration of the current order on August 8, 2015, until August 8, 2017.¹ The information for which continued confidential treatment is requested includes highly confidential commercial terms of the Turning Point Solar agreement and revenue requirement; information related to the Company's offerings and bilateral transactions for capacity; information related to the findings of a confidential impairment analysis undertaken by the Company and discussed during a confidential session of the

¹ The Commission's rules now provide that, "[u]nless otherwise ordered," a protective order "shall automatically expire *twenty-four* months after the date of its issuance." OAC 4901-1-24(F) (emphasis added).

evidentiary hearing; and information related to fuel cost projections made by the Company. This confidential information is competitively sensitive and the Company takes steps to protect this information from disclosure. Further, public disclosure of this information would create significant disadvantages for AEP Ohio in future negotiations, and would give competitors inappropriate access to competitively sensitive business information about the Company.

For the foregoing reasons, AEP Ohio respectfully requests a renewal of the current protective order for an additional 24-month period, until August 8, 2017, and that any requests under the Open Records law for disclosure of the documents filed under seal in this proceeding be rejected under Section 149.43(A)(a)(v), Revised Code, as a request for records whose release is prohibited under state law.

June 2, 2015

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via electronic mail upon the individuals listed below on this 2nd day of June, 2015.

/s/ Steven T. Nourse

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Case No(s). 11-0346-EL-SSO, 11-0348-EL-SSO, 11-0349-EL-AAM, 11-0350-EL-AAM

Summary: Motion for Renewal of Protective Order electronically filed by Mr. Steven T Nourse
on behalf of Ohio Power Company