

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Mark A. Whitt,)	
)	
Complainant,)	
)	
v.)	Case No. 15-697-EL-CSS
)	
Nationwide Energy Partners, LLC,)	
)	
Respondent.)	

**NATIONWIDE ENERGY PARTNERS, LLC'S
MOTION FOR PROTECTIVE TREATMENT
OF DOCUMENTS RELEASED TO OTHERS
AND
MOTION FOR AN EXPEDITED RULING**

On June 26, 2015, Nationwide Energy Partners, LLC ("NEP"), filed a motion with the Public Utilities Commission of Ohio asking for a protective order pursuant to Rule 4901-1-24, Ohio Administrative Code, related to documents that were expected to be produced in response to the third-party subpoenas issued on June 10, 2015. As detailed in that motion for a protective order, NEP claimed that it was foreseeable that the documents requested would contain information which both NEP and other persons would consider confidential. Thus, NEP requested a protective order which would provide prohibit immediate release of the information and provide for a process to identify the confidential information and treat it appropriately.

Mr. Whitt has now received some documents in response to the third-party subpoenas and, as NEP anticipated, the documents contain names, addresses and usage of other condominium owners, and account numbers for electric and water services. Such information if made public could cause, for example, an account holder's electric and water accounts to be

slammed as the account number serves as the protective code.¹ Also, disclosure of the names, addresses and power and water usage on an individual level is an invasion of the privacy of the other North Bank condominium owners.

Despite the pending motion for a protective order, which was fully briefed and is decisional, Mr. Whitt on his own volition released more than 1,100 pages of the received third-party subpoenaed documents (“disseminated documents”) to others. NEP is submitting a six-page list of the location of the names, addresses, account numbers that NEP believes should not be made public (as Attachments A-1 and A-2 to this motion) and is requesting that the Commission make an *in camera* inspection of the disseminated documents. NEP will provide a copy of the documents to the Examiner if this motion is granted.

Mr. Whitt has informed us that the disseminated documents have been released to at least the Ohio Consumers’ Counsel, and he has offered to all those who have filed intervention but not yet been granted intervention in this case. NEP requests that Mr. Whitt be ordered to recall the documents from anyone to whom he has distributed the documents. Given the need to move quickly in order to protect the people named in the documents and the account numbers, NEP asks for an expedited ruling, pursuant to Rule 4901:1-12(C), Ohio Administrative Code, as protecting confidential information requires prompt action by the Commission.

Further details regarding the reasons supporting NEP’s motion for protective treatment of the disseminated documents and NEP’s motion for an expedited ruling are set forth more fully in the attached Memorandum in Support.

¹ The Commission has recognized the sensitive nature of account numbers and, traditionally, has kept account numbers confidential. Moreover, the Commission even adopted rules requiring that electric and gas account numbers be kept confidential, except in a few very limited circumstances (such as for credit checks, collections, and pursuant to a court or Commission order). *See, e.g.*, Rules 4901:1-10-24(E)(1), 4901:1-21-10(B), 4901:1-13-12(D) and 4901:1-29-09(A), Ohio Administrative Code. Those limited exceptions have nothing to do with the Whitt complaint case and do not justify any non-traditional treatment of the account numbers contained throughout the disseminated documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Howard Petricoff", written over a horizontal line.

M. Howard Petricoff (0008287), Counsel of Record

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Gretchen L. Petrucci

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**MEMORANDUM IN SUPPORT
OF NATIONWIDE ENERGY PARTNERS, LLC'S
MOTION FOR PROTECTIVE TREATMENT
OF DOCUMENTS RELEASED TO OTHERS
AND
MOTION FOR AN EXPEDITED RULING**

I. Introduction

Based on the nature of the documents requested by Mr. Whitt in his third-party subpoena requests, Nationwide Energy Partners, LLC (“NEP”) envisioned that there would be confidential and/or privileged information in the documents which would need to be protected. Thus, soon after the subpoenas were issued, NEP filed a motion for a protective order with the Public Utilities Commission of Ohio (“Commission”). Mr. Whitt and the Ohio Consumers’ Counsel (“OCC”)² filed memoranda contra NEP’s motion for a protective order on July 7 and 13, 2015, respectively. NEP filed its replies on July 14 and 20, 2015. The request for a protective order has been decisional since then.

Mr. Whitt received more than 1,100 pages in response to the third-party subpoenas served upon: (a) NWD 300 Spring LLC (“NWD”), (b) North Bank Condominium Owners Association (“NBCOA”), (c) Ohio Equities LLC, and (d) City of Columbus, Public Utilities Department. He reviewed the documents, bates-stamped them and copied them. Even though NEP had raised concerns about there being information in the subpoenaed documents that is confidential and/or privileged and even though that NEP motion was decisional, Mr. Whitt sent an email to NEP and all entities who had filed a motion to intervene in this proceeding, stating that they can pick up a copy of the NWD and NBCOA documents. NEP and at least OCC picked up copies.

² The OCC has sought intervention and that intervention has been challenged by NEP as this is a private service complaint as to services provided to Mr. Whitt, and is not one that affects the entire class of residential consumers. A ruling on the OCC intervention is pending.

NEP has reviewed the documents and found that they indeed contain account numbers, and names of non-party residents at the same condominium complex where Mr. Whitt resides. This is information that the Commission has historically and consistently treated as confidential. Some of the documents have redactions on them, presumably³ done by the third-party providing the documents pursuant to the subpoena. The redaction effort though was not thorough or complete. Under the requested protective order, NEP would have had the opportunity to review the documents before dissemination to assure that all the names, addresses and account numbers were removed. NEP believes that nearly one-third of the pages disseminated contain confidential and/or privileged information, and that it is readily found in the disseminated documents.

Mr. Whitt's dissemination of this material was not made in response to a request for production of documents or other discovery device. In fact, other than NEP, there are no other parties that have been granted intervention. By email, Mr. Whitt indicated that he was also not foreclosing the possibility of wider dissemination of the subpoenaed documents.⁴ No procedural schedule is pending in this case. There is no immediate need by Mr. Whitt, NEP or even those parties who have requested intervention, assuming intervention is granted, for unredacted copies of the subpoenaed documents. In its motion for bifurcation, NEP expressed its concern that Mr. Whitt was using the discovery process afforded under the Commission's consumer complaint process for uses outside of the Commission hearing. Dissemination of documents subject to a pending motion for a protective order to people who have not requested the documents and the

³ NEP does not know who made the existing redactions, but presumes that they were made by NWD and NBCOA.

⁴ In an email sent to NEP and the other entities that have pending motions to intervene, Mr. Whitt stated "I do not believe it is appropriate to furnish the documents to NEP only, so I am not going to do that. I am making the documents available to everyone at the same time. I will, however, represent that I will not file any of the subpoena documents with the Commission, or otherwise make them available to anyone who is not a party or intervenor to the litigation, for a period of one week from today (i.e., up to and including July 31)." A copy of Mr. Whitt's entire email is included with this motion as Attachment B.

threat to provide it to others fits the pattern of trying to “try” this case in the media or use of the documents at the Ohio General Assembly.⁵ Sub-metering of master-metered facilities was the subject of several bills introduced into the House Public Utilities Committee last term. NEP provided testimony in support of one of those bills. It is likely that a sub-metering bill or bills will be introduced in this session of the Ohio General Assembly. At least, Mr. Whitt must believe so for he has served the following discovery requests on NEP:

- **RFP No. 7:** All documents referring, reflecting or relating to communications between or including NEP and any present or former member of the Ohio General Assembly, including staff employed by such member(s).
- **RFP No. 8:** All documents referring, reflecting or relating to communications between or including NEP and any third party concerning proposed legislation in Ohio governing sub-metering services.

While there is no reason not to take the time necessary to “scrub” the subpoenaed documents for confidential information for purposes of the complaint at the Commission, there may be ulterior political or non-Commission uses for the information procured with the Commission subpoena from which the Complainant may benefit from public dissemination, but such interests cannot supersede the requested protective order. In fact, the unrequested release of the subpoenaed documents is another reason to grant the motion for bifurcation to assure that the liberal discovery process of the Commission is not misused.

II. Background

On June 26, 2015, NEP filed a motion with the Commission asking for a protective order pursuant to Rule 4901-1-24, Ohio Administrative Code.⁶ NEP sought a protective order related

⁵ Sub-metering of utility services by condominium associations, apartment building owners and other master metered users was the subject of HB 662 in the Ohio General Assembly last term.

⁶ Among other things, Rules 4901-1-24(A)(7) and (8), Ohio Administrative Code, allow the Commission, legal director, deputy legal director, or an attorney examiner to order that “information not be disclosed or be disclosed

to the documents that were expected to be produced to the Complainant, Mr. Whitt, in response to third-party subpoenas issued on June 10, 2015, to: (a) NWD, (b) NBCOA, (c) Ohio Equities LLC, and (d) City of Columbus, Public Utilities Department. Although NEP did not know exactly what documents would be produced by the third parties or their format (i.e., redacted), the nature of the documents requested in the subpoenas led NEP to believe that the documents may contain information that is confidential and/or privileged and thus NEP sought to protect the confidential/privileged information.

Specifically, NEP requested a protective order that would:

- (a) Require Mr. Whitt to keep confidential all of the documents produced in response to the third-party subpoenas, until otherwise ordered by the Commission;
- (b) Require Mr. Whitt to allow NEP to inspect the documents produced in response to the third-party subpoenas; and
- (c) Allow NEP to raise arguments regarding confidentiality and privilege and handling of any confidential/privileged information in the documents produced from the third parties.

Additionally, NEP suggested that the Commission could conduct an *in camera* review of the documents and make a subsequent determination as to how the information must be handled.

Mr. Whitt informed NEP that he had received documents from (a) NWD, (b) NBCOA, and (c) City of Columbus, Public Utilities Department. As of July 24, 2015, Mr. Whitt had not received any documents from Ohio Equities LLC. A ruling on NEP's motion for a protective order has not been issued.

only in a designated way” and “information acquired through discovery be used only for purposes of the pending proceeding, or that such information be disclosed only to designated persons or classes of persons.”

III. Despite NEP's pending motion for a protective order, which is decisional, Mr. Whitt released more than 1,100 pages to others.

Mr. Whitt made copies of the documents he received from NWD and NBCOA (totally more than 1,100 pages) and on July 24, 2015, offered them to NEP, OCC, Ohio Partners for Affordable Energy ("OPAE"), Ohio Power Company ("AEP Ohio"), and Industrial Energy Users – Ohio ("IEU"). Neither OCC, OPAE, nor AEP Ohio has been granted intervention at this time. Further, OCC, OPAE, and AEP Ohio had not formally requested the contents of the subpoenaed documents. NEP did pick up a copy of the subpoenaed documents that day. Also, NEP has learned that OCC has obtained a copy of those documents from Mr. Whitt. NEP is not aware if the OPAE, AEP Ohio, and IEU have copies of those documents yet.

OCC, OPAE, AEP Ohio, and IEU have filed motions to intervene in this proceeding. Their motions to intervene have not been granted or denied. OCC, OPAE, AEP Ohio, and IEU as of this writing are not "parties" to this proceeding yet. *See*, Rule 4901-1-10, Ohio Administrative Code.⁷

IV. The disseminated documents contain confidential and/or privileged information and an immediately ruling from the Commission is needed to require that the disseminated documents be properly redacted and that the unredacted copies be recalled.

NEP has reviewed the disseminated documents. Anyone who reviews them can easily see numerous account numbers and names and addresses of non-party residents at the same condominium complex where Mr. Whitt resides. Attachment A to this motion is a listing of the pages containing the account numbers and other residents' names and addresses. There are nearly 300 pages with confidential/privileged information openly viewable within the documents

⁷ NEP understands that, pursuant to Rule 4901-1-16(H), Ohio Administrative Code and for purposes of the Commission's discovery rules (Rules 4901-1-16 to 4901-1-24, Ohio Administrative Code), the term "party" includes any person who has filed a motion to intervene which is pending at the time a discovery request or motion is to be served or filed. As explained, Mr. Whitt obtained the disseminated documents via third-party subpoenas, but he did not "offer them up" pursuant to any discovery request.

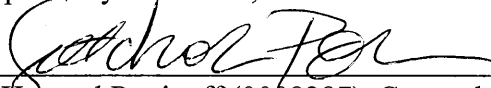
released by Mr. Whitt. This is nearly one-third of the total documents released. The Commission has historically and consistently treated this type of information confidentially in its proceedings, unless critical to the issue at hand which is not the situation in this present proceeding. Further release and disclosure of this confidential information could invade the privacy of others, including multiple residents of The Condominiums at North Bank.

V. Conclusion

NEP has contacted Mr. Whitt and the other entities that have pending motions to intervene to determine if any of them objects to the issuance of a ruling on this motion without the filing of memoranda. NEP cannot certify that no one objected to the issue of an immediate ruling.

NEP requests that the Commission require redactions of the information listed on Attachment A, as well as any other confidential/privileged information contained in the disseminated documents. The Commission should also require Mr. Whitt to recall all copies of the disseminated documents from those who have received them.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 14th day of August 2015 upon all persons/entities listed below:

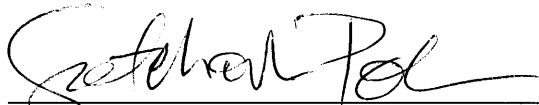
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Gretchen L. Petrucci

NBCO Subpoenaed Documents' Confidential Info

Bates #	Confidential Info.	Location
NBCO		
00061	Account number	5 th paragraph
00068	Account number	Top left hand corner of page and middle of the page.
00072	Account number	Top left hand corner of page and middle of the page.
00074	Account number	Second to last paragraph of the page.
00076	Account number	Top left hand corner and middle of the page.
00083	Account number	Top left hand corner and middle of the page.
00096	Unit numbers w/ usage and charges	Left hand column
00097	Unit numbers w/ usage and charges	Left hand column
000105	Resident name	4 th paragraph from the bottom.
000111	Account number	1 st paragraph of email.
000112	Account number	1 st line of email.
000114	Account number	1 st line of email.
000120	Resident name	Last line of the page.
000126	Resident's name and Unit number	Second line of email.
000167	Account numbers (8)	Left hand side of the page.
000185	Account numbers (8)	Left hand side of the page.
000190	Possible account numbers	Middle or right hand column on the page.
000208	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000209	Account number	Immediately below "NEP bill summary report."
000210	Account number (2)	Right hand corner and 2/3 of the way down the page.
000211	Account number	The line immediately below "NEP bill summary report."
000212	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000213	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000214	Account number	Line immediately below "NEP bill summary report."
000218	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000219	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000220	Account number	Line immediately below "NEP bill summary report."
000221	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000222	Account number	Line immediately below "NEP bill summary report."
000223	Account numbers (2)	Right hand corner and 2/3 of the way down the page. (when held right-side-up)
000224	Account number	Line immediately below "NEP bill summary report."
000225	Account number	Right hand corner and 2/3 of the way down the page. (when held right-side-up)
000226	Account number	Line immediately below "NEP bill summary report."

Attachment A-1 to NEP's Motion for
Protective Treatment of Documents
Released to Others

Bates #	Confidential Info.	Location
000227	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000228	Account number	Line immediately below "NEP bill summary report."
000229	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000230	Account number	Line immediately below "NEP bill summary report."
000231	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000232	Account number	Line immediately below "NEP bill summary report."
000233	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000235	Account number	Line immediately below "NEP bill summary report."
000236	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000238	Account number	Line immediately below "NEP bill summary report."
000230	Account numbers (2)	Right hand corner and 2/3 of the way down the page.
000240	Account number	Line immediately below "NEP bill summary report."
000241	Account numbers (2)	Right hand corner and 2/3 of the way down the page. (when held right-side-up)
000242	Account number	Line immediately below "NEP bill summary report."
000243	Account numbers (2)	Upper right hand corner and 2/3 of the way down the page. (when held right-side-up)
000244	Account number	Line immediately below "NEP bill summary report."

NWD Subpoenaed Documents' Confidential Info

Bates #	Confidential Info.	Location
NWD		
000320	Resident's name and unit number	Middle of the page.
000355	Account numbers (2)	Middle of the page, left hand side.
000361	Account number	Middle of the page, left hand side.
000523	Account numbers (2)	Middle of the page.
000524-000525	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000526-000527	Unit numbers and names w/ usage	2 left hand columns.
000528	Account numbers (2)	Left hand side of the page.
000529-000530	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000531-00032	Unit numbers and names w/ usage	2 left hand columns.
000533	Account numbers (2)	Left hand side of the page.
000534-000535	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000536-000537	Unit numbers w/ usage	Left hand column.
000538	Account numbers (2)	Middle of the page.
000539-000540	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000541	Account numbers (2)	Middle of the page.
000542	Account numbers (2)	Top and bottom of the page.
000543	Unit numbers w/ usage and account number	Left hand column and line below "NEP Bill Summary Report."
000545	Account numbers (2)	Top and bottom of the page.
000547	Account numbers (2)	Left hand side of the page.
000548-000550	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000552	Account numbers (2)	Left hand side of the page.
000554	Account numbers (2)	Left hand side of the page.
000556	Account numbers (2)	Left hand side of the page.
000557-000558	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000559-000560	Unit numbers and names w/ usage	2 left hand columns.
000561	Account numbers (2)	Left hand side of the page.
000562-000563	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.

Attachment A-2 to NEP's Motion for
Protective Treatment of Documents
Released to Others

Bates #	Confidential Info.	Location
000564-000567	Unit numbers and names w/ usage	2 left hand columns.
000568	Account numbers (2)	Left hand side of the page.
000569-000570	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000571-000572	Unit numbers w/ usage	Left hand column.
000573	Account numbers (2)	Middle of the page.
000574-000575	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000576	Account numbers	Middle of the page and lower right hand corner.
000577-000578	Unit numbers w/ usage and account number	Left hand column and line below "NEP Bill Summary Report."
000579	Account numbers (2)	Right hand side of the page.
000580	Unit numbers w/ usage and account number	Left hand column and line below "NEP Bill Summary Report."
000582	Account numbers	Right hand side or left hand side of the page.
000583-000586	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000587	Account numbers (2)	Left hand side of the page.
000588-000589	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000590-000591	Unit numbers and names w/ usage	2 left hand columns.
000592	Account numbers (2)	Left hand side of the page.
000593-000594	Unit numbers w/ usage and account number	Left hand column and right hand corner under Sales.
000595-000598	Unit numbers and names w/ usage	2 left hand columns.
000600-000615	Account numbers and unit numbers w/ usage	Left hand column, middle of the page, right hand corner under Sales or line below "NEP Bill Summary Report."
000616-000617	Unit numbers and names w/ usage	2 left hand columns.
000618	Account numbers	Left hand column.
000619	Account numbers (2)	Left hand side of the page.
000620-000623	Unit numbers w/ usage and account numbers	Left hand column and right hand corner under Sales.
000625-000626	Account numbers	Left hand side of the page.
000627-000630	Unit numbers w/ usage and account numbers	Left hand column and right hand corner under Sales.
000631-000645	Unit numbers w/ usage and/or account numbers	Left hand column, middle of the page, right hand corner under Sales, line below "NEP Bill Summary Report," or left hand side of the page.

Attachment A-2 to NEP's Motion for
Protective Treatment of Documents
Released to Others

Bates #	Confidential Info.	Location
000646-000647	Unit numbers and names w/ usage	2 left hand columns.
000648-000652	Unit numbers and names w/ usage and account numbers	Left hand columns, left hand side of the page or right hand corner under Sales.
000654-000674	Unit numbers w/ usage and account numbers	Middle of the page, left hand columns, right hand corner under Sales, line under "NEP Bill Summary Report," or right hand side of the page.
000675-000676	Unit numbers and names w/ usage	2 left hand columns.
000677-000679	Account numbers	Left hand side or column, or right hand corner under Sales.
000680-000681	Unit numbers and names w/ usage	2 left hand columns.
000683-000687	Unit numbers w/ usage and account numbers	Middle of the page, left hand columns, or right hand corner under Sales.
000688-000702	Unit numbers w/ usage and account numbers	Middle of the page, left hand columns, right hand corner under Sales, right hand side, line under "NEP Bill Summary Report," or left and side of the page.
000704-000718	Account numbers and unit numbers (some w/ names) w/ usage	Left hand side of the page, left hand columns, right hand corner under Sales or middle of the page.
000714-000718	Account numbers	Right hand corner under Sales or middle of the page.
000720	Account number	Middle of the page.
000722-000724	Unit numbers w/ usage and account numbers	Left hand column, line under "NEP Bill Summary Report" and right hand side of the page.
000726-000735	Unit numbers (some with names) w/ usage and account numbers	2 left hand columns, line below "NEP Bill Summary Report," left hand side of the page, or right hand corner under Sales.
000736-000753	Unit numbers w/ usage and account numbers	Middle of the page, left hand column, right hand corner under Sales, line under "NEP Bill Summary Report," right hand side of the page or left hand side of the page.
000753-000761	Unit numbers (some with names) w/ usage and account numbers	2 left hand columns, left hand side of the page, right hand corner under Sales, or middle of the page.
000766-000777	Unit numbers (some with names) w/ usage and account numbers	Middle of the page, left hand column, line under "NEP Bill Summary Report," left hand side of the page or right hand corner under Sales.
000778, 000780, 000782 and 000783	Unit numbers and names w/ usage	2 left hand columns.
000781	Account numbers (2)	Left hand side of the page.

Attachment A-2 to NEP's Motion for
Protective Treatment of Documents
Released to Others

Bates #	Confidential Info.	Location
000784-000804	Unit numbers (some with names) w/ usage and account numbers	2 left hand columns, left hand side of the page, right hand corner under Sales, middle of the page, line under "NEP Bill Summary Report," or right hand side of the page.
000805-000806	Unit numbers and names w/ usage	2 left hand columns.
000807-000809	Account numbers and unit numbers w/ usage	Left hand side, left hand column, or right hand corner under Sales.
000810-000811	Unit numbers and names w/ usage	2 left hand columns.
000812-000823	Account numbers and unit numbers (some w/ names) w/ usage	Left hand side of the page, left hand columns, or right hand corner under Sales, middle of the page, or line under "NEP Bill Summary Report."
000825-000832	Account numbers and unit numbers w/ usage	Right hand side of the page, left hand column, line under "NEP Bill Summary Report," left hand side of the page or right hand corner under Sales.
000833-000834	Unit numbers and names w/ usage	2 left hand columns.
000835-000837	Account numbers and unit numbers w/ usage	Left hand side of the page, left hand column, or right hand corner under Sales.
000838-000839	Unit numbers and names w/ usage	2 left hand columns.
000840	Account numbers (2)	Left hand side of the page.
000842-000845	Unit numbers (some w/ names) w/ usage and account numbers	2 left hand columns and right hand corner under Sales.
000846-000852	Unit numbers w/ usage and account numbers	Middle of the page, left hand column, line under "NEP Bill Summary Report," or right hand side of the page.

Petrucci, Gretchen L.

From: Mark Whitt <whitt@whitt-sturtevant.com>
Sent: Friday, July 24, 2015 1:46 PM
To: Petrucci, Gretchen L.; Petricoff, M. Howard; Howard, Stephen M.; Colleen Mooney; Michael.Schuler@occ.ohio.gov; Steve Nourse; Matt Satterwhite; Kimberly W. Bojko; Frank Darr
Subject: Case No. 15-697-EL-CSS - subpoena docs

All -

Please be advised that I have available for pickup documents obtained through subpoena from North Bank Condo Association (bates-stamped NBCO 0001-0254) and NWD 300 Spring LLC (NWD 0001-0852). There are 1106 pages in total. I will provide one set of these documents to the parties who want them. Just shoot me an email before your messenger leaves so I can be sure someone is here to give them the documents.

I will leave to the parties' discretion how they wish to treat NEP's motion for protective order to afford NEP the opportunity to review subpoena documents for confidentiality. I do not believe it is appropriate to furnish the documents to NEP only, so I am not going to do that. I am making the documents available to everyone at the same time. I will, however, represent that I will not file any of the subpoena documents with the Commission, or otherwise make them available to anyone who is not a party or intervenor to the litigation, for a period of one week from today (i.e., up to and including July 31). This will give NEP the opportunity to review the documents and seek whatever protective order, if any, it deems necessary.

Let me know if there are any questions. Thanks.

Mark A. Whitt
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in

Case No(s). 15-0697-EL-CSS

Summary: Motion Motion for Protective Treatment of Documents Released to Others and Motion for an Expedited Ruling electronically filed by Mrs. Gretchen L. Petrucci on behalf of Nationwide Energy Partners, LLC