

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	Case No. 14-1693-EL-RDR
Proposal to Enter into an Affiliate Power)	
Purchase Agreement for Inclusion in the)	
Power Purchase Agreement Rider.)	

In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 14-1694-EL-AAM
Accounting Authority.)	

**MOTION FOR PROTECTIVE ORDER
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential and/or competitively sensitive by the Ohio Power Company ("AEP Ohio").¹

As part of discovery in this proceeding, AEP Ohio provided information to OCC, subject to a protective agreement, and AEP Ohio asserts that this information is confidential and/or competitively sensitive under Ohio law. The direct testimony of OCC witnesses Sarah Jackson discusses and cites to discovery responses that are deemed by the Utilities to be subject to the protective agreement. OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect portions of the direct testimony of Sarah Jackson that contains

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

information that is asserted to be confidential and/or competitively sensitive by AEP Ohio. Subject to OCC's rights under the protective agreement, OCC is filing a portion of the direct testimony of Sarah Jackson under seal.

By filing the instant Motion, OCC does not concede that the information is confidential and/or competitively sensitive. However, OCC acknowledges that it has obtained this information pursuant to a protective agreement with AEP Ohio. That protective agreement provides for such information to be treated as confidential and/or competitively sensitive and protected (subject to OCC's right 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.

Respectfully submitted,

BRUCE J. WESTON (Reg. No. 0016973)
OHIO CONSUMERS' COUNSEL

/s/ William J. Michael

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MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of a portion of the direct testimony of OCC witness Sarah Jackson under seal. OCC understands that AEP Ohio considers some of the undisclosed information to be confidential and/or competitively sensitive and deserving of protection under Ohio law. OCC's understanding is based on claims by AEP Ohio that some of 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 secrecy. *See* R.C. 1333.61(D).

In filing this Motion, OCC does not concede that any of the information in the direct testimony of OCC witness Sarah Jackson is trade secret information pursuant to R.C. 1333.61(D). Nor does OCC concede that any of the information is deserving of protection from public disclosure under Ohio Adm. Code 4901-1-24(D). Under the assertions made by AEP Ohio, at this time, confidential treatment of some of the information contained in the direct testimony of Sarah Jackson could be appropriate,

subject to OCC's rights under its protective agreement with AEP Ohio to initiate a process to determine whether the information should be protected.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,

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OHIO CONSUMERS' COUNSEL

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**Outside Counsel for the Office of the
Ohio Consumers' Counsel**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order* by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via electronic service this 11th day of September, 2015.

/s/ William J. Michael

William J. Michael
Assistant Consumers' Counsel

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Summary: Motion Motion for Protective Order (Jackson) by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Michael, Wm Mr.