BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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

MOTION FOR PROTECTIVE ORDER
OF
OHIO EDISON COMPANY
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
THE TOLEDO EDISON COMPANY

Pursuant to O.A.C. 4901-1-24(D), Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the "Companies") move for a protective order keeping confidential the following information of the Companies, which is contained and/or referenced in the testimony of the Companies' witnesses and the exhibits and workpapers thereto, because the information is or may be deemed to be the confidential, proprietary, trade secret, and/or competitive business information of the Companies, an affiliate of the Companies and the Companies' witnesses and consultants.

- Portions of the Rebuttal Testimony of Judah Rose

Accordingly, the Companies request that the Commission grant this Motion and protect from disclosure the confidential information. A Memorandum in Support of this Motion is attached hereto and incorporated herein by reference. Consistent with the requirements of O.A.C. 4901-1-24(D), unredacted copies of the confidential information which is the subject of this Motion have been filed under seal.

Respectfully submitted,

/s/ *N. Trevor Alexander*

James W. Burk, Counsel of Record
Carrie M. Dunn
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
Telephone: (330)384-5861
Fax: (330)384-3875
Email: burkj@firstenergycorp.com
cdunn@firstenergycorp.com

David A. Kutik
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216)
Email: dakutik@jonesday.com

James F. Lang (0059668)
N. Trevor Alexander (0080713)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114
(216) 622-8200
(216) 241-0816 (fax)
Email: jlang@calfee.com
talexander@calfee.com

ATTORNEYS FOR APPLICANTS, OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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

MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the "Companies") request that the Commission protect from public disclosure the information designated on Attachment A hereto as confidential, competitively-sensitive confidential and/or proprietary (along with any and all copies, including electronic copies). The designated information is contained in the rebuttal testimony of the Companies' witnesses and the exhibits and workpapers thereto. The Companies have made good faith efforts to limit the amount of information for which confidential treatment is sought.

Ohio law and the Commission's rules provide for the protection of confidential and proprietary information. Specifically, O.A.C. 4901-1-24(A) provides the Commission may issue:

> [A]ny order which is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Such a protective order may provide that: . . .
> (7) A trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way.

Pursuant to O.A.C. 4901-1-24(D), the Commission also may issue an order to protect the confidentiality of information contained in documents filed with the Commission to the extent that state or federal law prohibits the release of the information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

Pursuant to R.C. § 1333.61(D), a "trade secret" is:

> [A]ny 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. [And]
>
> (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Ohio law grants special protections to such trade secrets, including statutory causes of action for an injunction precluding the misappropriation of trade secrets. *See* R.C. § 1333.62. The Commission has recognized the statutory obligation to protect trade secrets, even in the context of its preference for open proceedings, and has previously carried out its obligations in this regard in numerous proceedings. *See In re: General Telephone Co.*, Case No. 81-383-TP-AIR (Entry, February 17, 1982) (recognizing necessity of protecting trade secrets); *See, e.g., Elyria Tel. Co.*, Case No. 89-965-TP-AEC (Finding and Order, September 21, 1989); *Ohio Bell Tel. Co.*, Case No. 89-718-TP-ATA (Finding and Order, May 31, 1989); *Columbia Gas of Ohio, Inc.*, Case No. 90-17-GA-GCR (Entry, August 17, 1990).

Here, the Companies are seeking to prevent disclosure of the proprietary, confidential business information of Company witness Judah Rose. This information was provided to the Companies solely for purposes of the proposed transaction underlying the Companies' Economic

Stability Program. ICF considers and has treated the information as a confidential trade secret. In the ordinary course of business of ICF, this information is treated as proprietary and confidential by ICF employees. The information is not disclosed to anyone without proper safeguards. This information would be of great value to ICF's competitors and would competitively disadvantage ICF if publicly disclosed.

Attachment A to this Memorandum in Support lists the information which has been redacted from the associated filing and further describes why it should be granted protected status. For the foregoing reasons, the Companies request that the designated information be protected from public disclosure.

Respectfully submitted,

/s/ *N. Trevor Alexander*

James W. Burk, Counsel of Record
Carrie M. Dunn
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
Telephone: (330)384-5861
Fax: (330)384-3875
Email: burkj@firstenergycorp.com
cdunn@firstenergycorp.com

David A. Kutik
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216)
Email: dakutik@jonesday.com

James F. Lang (0059668)
N. Trevor Alexander (0080713)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114
(216) 622-8200
(216) 241-0816 (fax)

Email: jlang@calfee.com
talexander@calfee.com

ATTORNEYS FOR APPLICANTS, OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY

CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 20th day of October, 2015. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

Association of Independent Colleges and Universities of Ohio, Buckeye Association Of School Administrators, Buckeye Wind LLC, Citizens Coalition, City Of Akron, City Of Cleveland, Constellation NewEnergy Inc., Council Of Smaller Enterprises, Direct Energy Services LLC, Duke Energy Ohio Inc., Dynegy Inc., Energy Professionals of Ohio, EnerNOC Inc., Environmental Law & Policy Center, Exelon Generation Company, LLC, Hardin Wind LLC, IBEW Local 245, IGS Energy, Industrial Energy Users Of Ohio, Kroger Co., Mid-Atlantic Renewable Energy Coalition, Monitoring Analytics LLC, MSC, Nextera Energy Resources, Northeast Ohio Public Energy Council, Northwest Ohio Aggregation Coalition, Nucor Steel Marion, Inc., Ohio Advanced Energy Economy, Ohio Association Of School Business, Ohio Consumers Counsel, Ohio Energy Group, Inc., Ohio Environmental Counsel, Ohio Hospital Association, Ohio Manufacturers' Association, Ohio Power Company, Ohio Partners For Affordable Energy, Ohio School Boards Association, Ohio Schools Council, PJM Power Providers Group, Power4Schools, Retail Energy Supply Association, Sierra Club, The Cleveland Municipal School District, The Electric Power Supply Association, Wal-Mart Stores East, LP, and Sam's East, Inc.

/s/ N. Trevor Alexander
An Attorney for the Companies

Attachment A

Rebuttal Testimony of Judah Rose

page	*line*	*Description*
20	10-13	Confidential capacity forecast
29	5-11	Confidential natural gas forecast
39	13-14	Confidential natural gas forecast
40	11-15	Confidential natural gas forecast
41	20	Confidential natural gas forecast
42	4, 21	Confidential natural gas forecast
43	6	Confidential natural gas forecast
48	18	Confidential natural gas forecast
60	13-14, 19	Confidential CO2 forecast
61	3	Confidential CO2 forecast

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/20/2015 4:55:33 PM

in

Case No(s). 14-1297-EL-SSO

Summary: Motion for Protective Order regarding rebuttal testimony electronically filed by Mr. Nathaniel Trevor Alexander on behalf of Ohio Edison Company and The Cleveland Illuminating Company and The Toledo Edison Company