

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	
Proposal to Enter into an Affiliate)	
Power Purchase Agreement for)	Case No. 14-1693-EL-RDR
Inclusion in the Power Purchase)	
Agreement Rider.)	
In the Matter of the Application of Ohio)	
Power Company for Approval of)	Case No. 14-1694-EL-RDR
Certain 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 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 constitutes trade secret information under Ohio law. The direct testimony of OCC witnesses James F. Wilson and Robert Fortney discuss and/or cite to discovery responses that are deemed by AEP Ohio 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 James F. Wilson's testimony and Robert Fortney's

¹ This Motion is filed under Ohio Admin. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D).

testimony that contain 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 testimony of James F. Wilson and Robert Fortney under seal. By filing the instant Motion, OCC does not concede that the information constitutes trade secret information. 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,

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/s/ William J. Michael

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MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of the testimony of OCC witness James F. Wilson and Robert Fortney under seal. In filing this Motion, OCC does not concede that the information in the testimony of James F. Wilson and Robert Fortney is trade secret information pursuant to R.C. 1333.61(D). Nor does OCC concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

OCC understands that AEP Ohio considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC's understanding is based on claims by AEP Ohio that 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). Under the assertions made by AEP Ohio, at this time, confidential treatment of the redacted information in the testimony of James F. Wilson and Robert Fortney would 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.

In addition, OCC is filing a public version of the testimony of James F. Wilson and Robert Fortney so that all information not claimed by AEP Ohio to be confidential is accessible for the public's review. The public version does not contain information that was asserted by AEP Ohio to be confidential.

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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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 28th day of December, 2015.

/s/ William J. Michael

William J. Michael
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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel