

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Ohio Edison Company, The Cleveland)	Case No. 14-1297-EL-SSO
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.)	

**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 Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy" or "the Utilities").¹

As part of discovery in this proceeding, FirstEnergy provided information to OCC, subject to a protective agreement, and FirstEnergy asserts that this information is confidential and/or competitively sensitive under Ohio law. The deposition of FirstEnergy witness Eileen Mikkelsen held on June 29, 2016, discusses and cites to discovery responses that are deemed by the Utilities to be subject to the protective agreement.

OCC 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 deposition of Eileen

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

Mikkelsen that contain information that is asserted to be confidential and/or competitively sensitive by FirstEnergy. Subject to OCC's rights under the protective agreement, OCC is filing the confidential portion of Ms. Mikkelsen's deposition 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 FirstEnergy. 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 (0016973)
OHIO CONSUMERS' COUNSEL

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MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of a confidential portion of FirstEnergy’s witness Eileen Mikkelsen under seal. OCC understands that FirstEnergy 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 FirstEnergy 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 deposition of Ms. Mikkelsen 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 FirstEnergy, at this time, confidential treatment of some of the information contained in Ms. Mikkelsen’s deposition could be appropriate, subject to OCC’s rights under its

protective agreement with FirstEnergy 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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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 8th day of July 2016.

/s/ Larry S. Sauer

Larry S. Sauer

Deputy Consumers' Counsel

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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Sauer, Larry S.