

FILE

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application for )  
Establishment of a Reasonable ) Case No. 16-2020-EL-AEC  
Arrangement Between U. S. Steel )  
Seamless Tubular Operations, LLC, )  
Lorain Tubular Operations and )  
The Ohio Edison Company )

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**U. S. STEEL SEAMLESS TUBULAR OPERATIONS, LLC,  
LORAIN TUBULAR OPERATIONS' MOTION FOR  
PROTECTIVE ORDER AND MEMORANDUM IN SUPPORT**

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**JANUARY 23, 2017**

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| The Ohio Edison Company              | ) |                         |

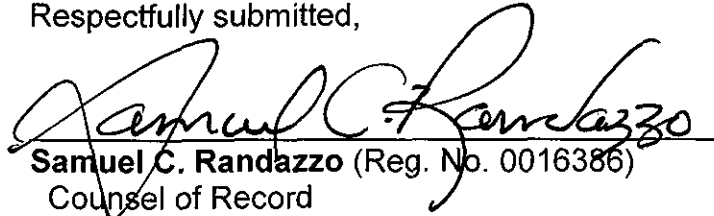
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**U. S. STEEL SEAMLESS TUBULAR OPERATIONS, LLC,  
LORAIN TUBULAR OPERATIONS'  
MOTION FOR PROTECTIVE ORDER**

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Pursuant to Rule 4901-1-24, Ohio Administrative Code ("O.A.C."), U. S. Steel Seamless Tubular Operations, LLC, Lorain Tubular Operations ("LTO") respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a Protective Order to protect the confidentiality and prohibit the disclosure of the confidential information contained in the Joint Stipulation and Recommendation ("Stipulation") filed in this proceeding on January 23, 2017. The confidential information in the Stipulation is not subject to disclosure and includes competitively sensitive and highly proprietary business information comprising trade secrets. The grounds for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in black ink, reading "Samuel C. Randazzo", is written over a horizontal line.

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**MEMORANDUM IN SUPPORT**

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Contemporaneous with this Motion, LTO filed a Stipulation in an unredacted form and under seal. By this Motion, LTO requests confidential treatment for competitively sensitive and highly proprietary business information that constitutes trade secrets under Ohio law and the Commission's rules. Specifically, LTO requests that the Commission grant protective treatment to the usage and employment related information that was redacted on page 6 of the Stipulation.

State law recognizes the need to protect information that is confidential in nature. Accordingly, the General Assembly granted the Commission statutory authority to exempt certain documents from disclosure.<sup>1</sup> Pursuant to this statutory grant of authority, the Commission promulgated Rule 4901-1-24, O.A.C. Rule 4901-1-24(D), O.A.C., provides for the issuance of an order that is necessary to protect the confidentiality of information contained in documents filed at the Commission to the extent that state and federal law prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

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<sup>1</sup> See R.C. 4901.12 and 4905.07.

Trade secrets protected by state law are not considered public records and are therefore exempt from public disclosure.<sup>2</sup> A trade secret is defined by R.C. 1333.61(D) as follows:

"Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any **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.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(emphasis added).

The information contained in the Stipulation relates to operational information as well as employment data and is competitively sensitive and highly proprietary business and financial information falling within the statutory characterization of a trade secret.<sup>3</sup> Public disclosure of the redacted information in the Stipulation would jeopardize LTO's business position and its ability to compete. The redacted information that LTO seeks to protect derive independent economic value from not being generally known and not being readily ascertainable by proper means by LTO's competitors. Further, the efforts to protect the confidential usage and employment data are reasonable under the circumstances. Finally, the Commission has afforded protected treatment to similar

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<sup>2</sup> R.C. 149.43(A)(1)(v); *State ex rel. The Plain Dealer v. Ohio Dept. of Insurance*, 80 Ohio St.3d 513, 530 (1997).

<sup>3</sup> R.C. 1333.61(D).

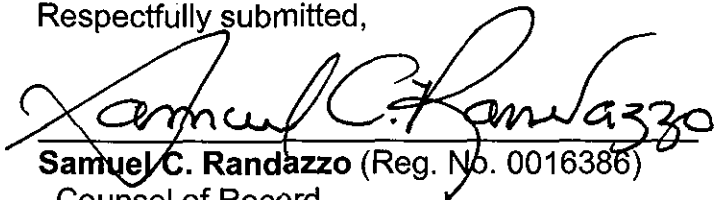
information filed under seal in other reasonable arrangement proceedings.<sup>4</sup>

The non-disclosure of the usage and employment related information will not impair the purposes of Title 49 of the Revised Code, as the Commission and its Staff will have full access to the confidential information in order to complete its review process. Because LTO's information in the Stipulation constitutes a trade secret, it should be accorded protected status.

## I. CONCLUSION

LTO respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully submitted,



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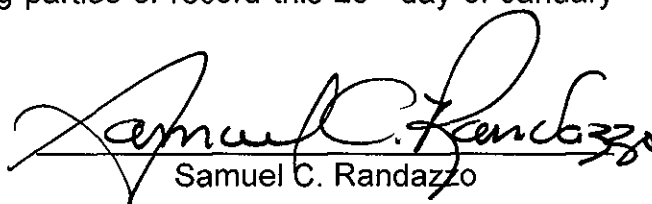
**Attorneys for U.S. Steel Seamless Tubular  
Operations, LLC, Lorain Tubular Operations**

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<sup>4</sup> See, e.g., *In the Matter of the Application of the TimkenSteel Corporation for Approval of a Unique Arrangement for the TimkenSteel Corporation's Stark County Facilities*, Case No. 15-1857-EL-AEC, Opinion and Order at 6-7 (Dec. 16, 2015); *In the Matter of the Application for Establishment of a Reasonable Arrangement between ASHTA Chemicals Inc. and The Cleveland Electric Illuminating Company*, Case No. 12-1494-EL-AEC, Entry at 3 (Nov. 5, 2012); *In the Matter of the Application of Ormet Primary Aluminum Corporation for Approval of a Unique Arrangement with Ohio Power Company and Columbus Southern Power Company*, Case No. 09-119-EL-AEC, Entry at 4-5 (Oct. 3, 2013); *In the Matter of the Application for Establishment of a Reasonable Arrangement Between Marathon Petroleum Company LP and Ohio Power Company*, Case No. 10-2777-EL-AEC, Entry at 2-3 (Sep. 28, 2011).

## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *U. S. Steel Seamless Tubular Operations, LLC, Lorain Tubular Operations' Motion for Protective Order and Memorandum in Support* was sent by, or on behalf of, the undersigned counsel for LTO to the following parties of record this 23<sup>rd</sup> day of January 2017 via electronic transmission.



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