

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the)
Dayton Power and Light Company for) Case No. 16-395-EL-SSO
Approval of its Electric Security Plan.)

In the Matter of the Application of the)
Dayton Power and Light Company for) Case No. 16-396-EL-ATA
Approval of Revised Tariffs.)

In the Matter of the Application of the)
Dayton Power and Light Company for) Case No. 16-397-EL-AAM
Approval of Certain Accounting Authority)
Pursuant to Ohio Rev. Code § 4905.13)

**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 by the Dayton Power and Light Company ("DP&L")¹. As part of discovery in this proceeding, DP&L provided information to OCC, subject to a protective agreement, and DP&L asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the Supplemental Testimony of David Parcell (Confidential) that are asserted to be confidential by DP&L. Subject to OCC's rights under the protective agreement, OCC is filing the Supplemental Testimony of David Parcell (Confidential) under seal, and is also

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

filing a public version that shows all information not claimed by DP&L to be confidential.

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 under a protective agreement with DP&L that provides for such information to be treated as confidential and protected (subject to OCC's right under the protective agreement 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 WESTON (0016973)
CONSUMERS' COUNSEL

/s/ William Michael
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| Dayton Power and Light Company for |) | Case No. 16-397-EL-AAM |
| Approval of Certain Accounting Authority |) | |
| Pursuant to Ohio Rev. Code § 4905.13 |) | |

MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of the Supplemental Testimony of David Parcell (Confidential). In filing this Motion, OCC does not concede that the information in the Supplemental Testimony of David Parcell (Confidential) is trade secret information under R.C. 1333.61(D) and does not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

OCC understands that DP&L 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 DP&L 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 DP&L, at this time, confidential treatment of the redacted

information in the Supplemental Testimony of David Parcell (Confidential) would be appropriate, subject to OCC's rights under its protective agreement with DP&L to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version of the Supplemental Testimony of David Parcell (Confidential) so that all information not claimed by the DP&L to be confidential is accessible for the public's review. The public version does not contain information that was asserted by DP&L 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,
BRUCE WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ William Michael
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(All will accept service via email)

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 e-mail this 29th day of March, 2017.

/s/ William Michael
William Michael
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Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM

Summary: Motion Motion for Protective Order by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Michael, William Mr.