

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of Vadata,                     )  
Inc. and Ohio Power Company for Approval of a                     )     Case No. 17-1827-EL-AEC  
Unique Economic Development Arrangement for                     )  
Ohio Data Center Campuses.   )

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**MOTION FOR PROTECTIVE ORDER  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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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 Ohio Power ("AEP or Utility.")<sup>1</sup> As part of discovery in this proceeding, AEP provided information to OCC, subject to a protective agreement, and AEP 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 Direct Testimony of Michael P. Haugh that are asserted to be confidential by AEP. Subject to OCC's rights under the protective agreement, OCC is filing Direct Testimony of Michael P. Haugh under seal, and is also filing a public version that shows all information not claimed by AEP 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 pursuant to a protective agreement with AEP that provides for such

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

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)  
OHIO CONSUMERS' COUNSEL

/s/ Maureen R. Willis  
Maureen R. Willis, Counsel of Record  
(0020847)  
Senior Regulatory Counsel  
Assistant Consumers' Counsel

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**MEMORANDUM IN SUPPORT**

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OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of Direct Testimony of Michael P. Haugh. In filing this Motion, OCC does not concede that the information in the Direct Testimony of Michael P. Haugh is trade secret information pursuant to 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 AEP 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 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, at this time, confidential treatment of the redacted information in Direct Testimony of Michael P. Haugh would be appropriate, subject to OCC’s rights under its protective agreement with AEP to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version of the Direct Testimony of Michael P. Haugh so that all information not claimed by the AEP to be confidential is accessible for the public's review. The public version does not contain information that was asserted by AEP 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/ Maureen R. Willis

Maureen R. Willis, Counsel of Record  
(0020847)

Senior Regulatory Counsel  
Assistant Consumers' Counsel

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Maureen.willis@occ.ohio.gov  
(Will accept service via email)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Protective Order has been served upon the below-named persons via electronic transmission this 7<sup>th</sup> day of November 2017.

/s/ Maureen R. Willis

Maureen R. Willis

Senior Regulatory Counsel

Assistant Consumers' Counsel

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**Case No(s). 17-1827-EL-AEC**

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