

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Investigation into PALMco Power)	Case No. 19-0957-GE-COI
OH, LLC dba Indra Energy and)	
PALMco Energy OH, LLC dba Indra)	
Energy's Compliance with the Ohio)	
Administrative Code and Potential)	
Remedial Actions for Non-)	
Compliance.)	

**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 PALMco Power OH, LLC ("PALMco").¹ As part of discovery in this proceeding, PALMco provided information to OCC, subject to a protective agreement, and PALMco 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 Kerry Adkins that are asserted to be confidential by PALMco. Subject to OCC's rights under the protective agreement, OCC is filing the Direct Testimony of Kerry Adkins under seal and is also filing a public version that shows all information not claimed by the PALMco to be confidential.

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

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 PALMco 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/ Terry L. Etter

Terry L. Etter (0067445), Counsel of Record
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MEMORANDUM IN SUPPORT

OCC files this Motion contemporaneously with the filing of the Direct Testimony of Kerry Adkins. In filing this Motion, OCC does not concede that the information in the Direct Testimony of Kerry Adkins 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 PALMco 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 PALMco 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 PALMco, at this time, confidential treatment of the redacted information in Direct Testimony of Kerry Adkins would be appropriate, subject

to OCC's rights under its protective agreement with PALMco 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 Kerry Adkins so that all information not claimed by the PALMco to be confidential is accessible for the public's review. The public version does not contain information that was asserted by PALMco 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)
Consumers' Counsel

/s/ Terry L. Etter

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion was served on the persons stated below
via electronic transmission this 4th day of September 2019.

/s/ Terry L. Etter
Terry L. Etter
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document
on the following parties:

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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 Etter, Terry L.