

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Modify the)
Exemption Granted to East Ohio Gas) Case No. 18-1419-GA-EXM
Company d/b/a/ Dominion Energy Ohio)

**MOTION FOR PROTECTIVE ORDER AND MEMORANDUM IN SUPPORT OF
THE RETAIL ENERGY SUPPLY ASSOCIATION AND
INTERSTATE GAS SUPPLY, INC.**

Joseph Olikar (0086088)
Email: joliker@igsenergy.com
Michael Nugent (0090408)
Email: mnugent@igsenergy.com
Bethany Allen (0093732)
Email: ballen@igsenergy.com
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000
Facsimile: (614) 659-5073

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MOTION FOR PROTECTIVE ORDER

Pursuant to the provisions of Ohio Adm.Code 4901-1-24, the Retail Energy Supply Association ("RESA") and Interstate Gas Supply, Inc. ("IGS" or "IGS Energy") collectively request that the Public Utilities Commission of Ohio ("Commission") issue a Protective Order for the confidentiality of portions of the *Direct Testimony of Matthew White on behalf of the Retail Energy Supply Association and Interstate Gas Supply, Inc.* Specifically, RESA and IGS, request protective treatment with respect to the portion of testimony noted on Page 12 for the reasons set forth in the attached Memorandum in Support.

Respectfully,

s/ Bethany Allen
Bethany Allen (0093732)
Email: ballen@igsenergy.com
Joseph Olikier (0086088)
Email: joliker@igsenergy.com
Michael Nugent (0090408)
Email: mnugent@igsenergy.com
Counsel of Record
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5000
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MEMORANDUM IN SUPPORT

Accompanying this Motion, RESA and IGS have filed the *Direct Testimony of Matthew White on behalf of the Retail Energy Supply Association and Interstate Gas Supply, Inc.* in a redacted form and in an unredacted form under seal. By this Motion, RESA and IGS request confidential treatment of the unredacted portions filed under seal.

Ohio law and the Commission's rules provide for the protection of confidential and proprietary information. Specifically, Ohio Adm.Code 4901-1-24(A) provides the Commission may issue:

[A]ny order which is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Such a protective order may provide that: . . . (7) A trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way.

Pursuant to Ohio Adm.Code 4901-1-24(D), the Commission also may issue an order to protect the confidentiality of information contained in documents filed with the Commission to the extent that state or federal law prohibits the release of the information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

Pursuant to R.C. § 1333.61(D), a "trade secret" is:

[A]ny 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. [And]

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Ohio law grants special protections to such trade secrets, including statutory causes of action for an injunction precluding the misappropriation of trade secrets. See R.C. § 1333.62.

The redacted information contained within Mr. White's Testimony contains proprietary business data that could be considered confidential and trade secret under R.C. § 1333.61(D). Should the redacted information be made available in the open marketplace, IGS specifically, could suffer real harm and a competitive disadvantage.

WHEREFORE, RESA and IGS respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully,

s/ Bethany Allen

Bethany Allen (0093732)

Email: ballen@igsenergy.com

Joseph Olikier (0086088)

Email: joliker@igsenergy.com

Michael Nugent (0090408)

Email: mnugent@igsenergy.com

Counsel of Record

IGS Energy

6100 Emerald Parkway

Dublin, Ohio 43016

Telephone: (614) 659-5000

Facsimile: (614) 659-5073

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Motion for Protective Order and Memorandum in Support* was served this 15th day of November 2019 via electronic mail upon the following:

werner.margard@ohioattorneygeneral.gov
cmooney@ohiopartners.org
mjsettineri@vorys.com
kennedy@whitt-sturtevant.com
glpetrucci@vorys.com
mwtaylor@vorys.com
barthroyer@aol.com
Andrew.j.campbell@dominionenergy.com
cpirik@dickinson-wright.com
mfleisher@dickinson-wright.com
fdarr2019@gmail.com
bojko@carpenterlipps.com
paul@carpenterlipps.com
Terry.etter@occ.ohio.gov

Attorney Examiners:

Sarah.parrot@puco.ohio.gov
Lauren.Augostini@puco.ohio.gov

s/ Bethany Allen
Bethany Allen
Counsel for IGS Energy

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/15/2019 4:54:40 PM

in

Case No(s). 18-1419-GA-EXM

Summary: Motion Motion for Protective Order and Memorandum in Support of the Retail Energy Supply Association and Interstate Gas Supply, Inc. electronically filed by Bethany Allen on behalf of IGS Energy and Retail Energy Supply Association