

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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

**MOTION FOR PROTECTIVE ORDER BY AMAZON DATA SERVICES, INC. F/K/A
VADATA, INC.**

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, Amazon Data Services, Inc., formerly known as Vadata, Inc. (“ADS”) moves for the entry of a protective order to maintain sensitive trade secret information contained in the Five-Year Status Report of Amazon Data Services, Inc. f/k/a Vadata, Inc. (the “Status Report”) filed concurrently with this motion and Exhibit A to the Status Report under seal. The attached Memorandum in Support sets forth the basis for this motion. An unredacted copy of the Status Report has been filed electronically under seal with confidential information highlighted on pages stamped “Confidential” in accordance with the e-filing protocols set forth in Case No. 20-591-AU-UNC.

The information in the Status Report is related to ADS’s development and operation of data centers and/or data center campuses in the Columbus, Ohio region, including sensitive financial information, competitive information regarding data center investments, the economic impacts of ADS’s data center investments, sensitive data center operational information including utility billing information, and sensitive and confidential employment figures, all of which constitute trade secret information protected from disclosure under Ohio law. ADS has not shared this trade secret information with the public and has taken steps to prevent the public disclosure of this information.

Given the highly competitive cloud computing business environment, ADS would be at a significant disadvantage versus its competitors if this trade secret information became publicly available. Accordingly, ADS respectfully requests that the Public Utilities Commission of Ohio (the “Commission”) grant this motion, and order that the unredacted version of the Status Report and its Exhibit A remain under seal.

Dated: April 28, 2023

Respectfully submitted,

/s/ David F. Proaño

David F. Proaño (0078838), Counsel of Record

dproano@bakerlaw.com

Kendall C. Kash (0093717)

kkash@bakerlaw.com

BAKER & HOSTETLER LLP

Key Tower

127 Public Square, Suite 2000

Cleveland, Ohio 44114

Telephone: 216-621-0200

Facsimile: 216-696-0740

Rand L. McClellan (0079266)

rmcclellan@bakerlaw.com

Kayla M. Prieto (0092090)

kprieto@bakerlaw.com

BAKER & HOSTETLER LLP

200 Civic Center Drive, Suite 1200

Columbus, Ohio 43215

Telephone: 614-228-1541

Facsimile: 614-462-2616

willing to accept service by email

Counsel for Amazon Data Services, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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

**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER BY
AMAZON DATA SERVICES, INC., F/K/A VADATA, INC.**

Amazon Data Services, Inc., formerly known as Vadata, Inc. (“ADS”) respectfully moves for a protective order to maintain under seal certain sensitive trade secret information contained in the Five-Year Status Report (the “Status Report”) and Exhibit A to the Status Report filed by ADS in this matter on April 28, 2023.

PROCEDURAL BACKGROUND

ADS is an affiliate of Amazon Web Services, Inc. (“AWS”), which is a wholly-owned subsidiary and operating segment of Amazon.com, Inc. (“Amazon”). On September 1, 2017, ADS commenced the above-captioned case by filing a joint application with Ohio Power Company seeking approval from the Public Utilities Commission of Ohio (“Commission”) of an economic development arrangement that would allow ADS to develop, build, and operate three data center campuses in the Columbus, Ohio region with electric utility services from Ohio Power Company (“AEP Ohio”). On January 10, 2018, the Commission issued a decision in which it approved the economic development arrangement between ADS and AEP Ohio in accordance with Ohio Revised Code 4905.31 and Ohio Administrative Code 4901:1-38-03.

ADS’s joint application also contained trade secret information related to ADS’s data centers and their development and operations. On January 9, 2018, the Commission granted ADS’s motion for a protective order related to the joint application, finding that “the information

subject to the motions for protective order constitute trade secrets and, therefore, their release is prohibited under state law.”¹ The Commission later granted ADS’s subsequent Motions to Extend Protective Order.²

Similar to ADS’s joint application, the Status Report and Exhibit A to the Status Report contain highly-sensitive competitive information that is maintained as confidential by ADS related to ADS’s operation of its data centers and data center campuses in the Columbus, Ohio region, including confidential financial information, sensitive data center investment information, competitive information regarding the amounts paid by ADS for Wire Services³ from AEP Ohio and the discount received under the current arrangement during its first five years, the economic impact of ADS’s investments, ADS’s competitive data center operational information, and confidential employment figures, all of which constitute trade secret information subject to protection from public disclosure by Ohio law.

The cloud computing business is highly competitive on a global level.⁴ ADS’s ability to remain competitive and continue investing in Ohio is made possible in part on the application of Ohio’s trade secret laws to the information filed with the Commission in this matter. Public disclosure of ADS’s trade secret information would severely harm ADS because its domestic and international competitors could access and leverage information concerning ADS’s business and operational strategy related its development and operation of its Ohio data centers, including levels of investments, timeline of construction and operations, build-out of the data center

¹ January 9, 2018 Entry, ¶ 11.

² January 7, 2020 and February 7, 2022 Entries.

³ Wire Services refers to the transmission services, distribution services, and ancillary services ADS receives from AEP Ohio for ADS’s three data center campuses.

⁴ See <https://www.wsj.com/articles/amazon-microsoft-google-pressured-by-chinese-cloud-rivals-in-southeast-asia-2c8d98b4>, *American Cloud Companies Face Challenge From China in Southeast Asia*, accessed April 25, 2023.

campuses, utility cost information for its Ohio data center buildings and data center campuses, and confidential economic and employment figures, among other information.⁵ Accordingly, ADS respectfully requests that the Commission issue a protective order so that the unredacted confidential versions of the Status Report and Exhibit A to the Status Report will remain under seal and protected from public disclosure.

LEGAL STANDARD

Ohio Administrative Code 4901-1-24(D) provides that the Commission may issue any order “which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the Commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.”

Section 1333.61(D) of the Revised Code defines “trade secret” as:

[I]nformation, 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.

R.C. 1333.61(D) (emphasis added).

⁵ Throughout this Memorandum, ADS refers to “data centers” and “data center campuses.” Each data center campus can support multiple individual data center buildings referred to as “data centers.”

The Ohio Supreme Court has identified six factors to consider when determining if information constitutes trade secrets:

1. The extent to which the information is known outside the business;
2. The extent to which it is known to those inside the business, i.e., by the employees;
3. The precautions taken by the holder of the trade secret to guard the secrecy of the information;
4. The savings effected and the value to the holder in having the information as against competitors;
5. The amount of effort or money expended in obtaining and developing the information; and
6. The amount of time and expense it would take for others to acquire and duplicate the information.

State ex rel. The Plain Dealer v. Ohio Dept. of Ins., 80 Ohio St. 3d 513, 524-525 (1997).

LAW AND ARGUMENT

A. The redacted information in the Status Report and Exhibit A contain sensitive competitive operational, business, and financial information eligible for protection under R.C. 1333.61(D) and Ohio Adm. Code 4901-1-24(D).

The trade secret operational, business, and financial information included in the Status Report and Exhibit A to the Status Report meet the definition of “trade secret” in R.C. 1333.61(D).

The Status Report and its Exhibit A contain competitively sensitive operational, planning, business, and financial information related to ADS’s Ohio data centers. *See* R.C. 1333.61(D). To ensure that the requirements for the economic development arrangement approved in this case continued to be met during the ten-year term of the arrangement, the Commission ordered

ADS to file a comprehensive status report following the first five years of the arrangement.⁶ In accordance with the Commission's directives, the Status Report and its Exhibit A include information regarding (i) the status of data center construction; (ii) the economic development impact of the data center construction, including an economic analysis of the multiplier effect, either submitted via IMPLAN or comparable study; and (iii) the net savings to ADS over the five-year timeframe versus the costs ADS would have to pay for electric service without the arrangement.

As part of fulfilling these reporting obligations, ADS's Status Report and its Exhibit A contain the following competitively sensitive, confidential, and proprietary information regarding ADS's development and operation of its data center campuses in the Columbus, Ohio region:

a) Sensitive and confidential information regarding the specific number of data center buildings at each of ADS's three data center campuses in the Columbus, Ohio region, along with the timeline for their construction and operational implementation by ADS⁷, which information is competitively sensitive and could reveal to ADS's competitors ADS's operational plans and strategy in the highly-competitive cloud computing marketplace (pages 4, 7, 9 & 10 of the Status Report);

b) Sensitive and confidential information regarding the specific amounts of financial investments made by ADS in its Columbus, Ohio data center campuses, including the amounts invested in constructing, operating, and maintaining the three data center campuses, the specific amount of capital expenditures by ADS, the specific amount of operating expenditures, the

⁶ See Jan. 10, 2018 Opinion & Order, ¶ 35.

⁷ See Affidavit of Travis Metcalfe ("Metcalfe Aff."), ¶ 5, attached hereto as Exhibit 1.

specific amounts of in-state purchases by ADS⁸, all of which reveal highly-competitive information regarding the amount of capital and operational investments that ADS has made in its data center campuses in Ohio and could be used by ADS's competitors against ADS (page 5 of the Status Report and Exhibit A to the Status Report);

c) Sensitive and confidential estimates prepared by ADS's in-house economics team regarding the amount of revenue to Ohio businesses, GDP to the State of Ohio, and labor compensation by businesses supporting ADS's investments supported by ADS's in-state purchases in support of its Columbus, Ohio data center campuses⁹, which information could be used by ADS's competitors to ascertain confidential information regarding ADS's investments in Ohio in support of its Ohio data center campuses (page 6 of the Status Report and Exhibit A to the Status Report);

d) Sensitive and confidential information regarding the specific number of jobs directly created by ADS's data center operations in Ohio, the total compensation received by ADS's employees in Ohio, the specific number of workers that have been on-site at the ADS data center campuses performing skilled roles such as electricians, security, and maintenance technicians, and the estimated numbers of jobs created by ADS's data center investments in Ohio, including the number of full-time equivalent jobs annually at external businesses supporting the ADS's data center campuses, and estimated direct, indirect and induced job figures made possible by ADS's data center campus investments,¹⁰ which information could be used by competitors to ascertain confidential information regarding ADS's investments in Ohio

⁸ Metcalfe Aff. at ¶ 6.

⁹ *Id.* at ¶ 7.

¹⁰ *Id.* at ¶ 8.

and operational information related to personnel needed to operate ADS's Ohio data center campuses (pages 6 & 7 of the Status Report and Exhibit to the Status Report); and

e) Sensitive and confidential information regarding ADS's utility bills from AEP Ohio and arrangement with that utility for ADS's three Ohio data center campuses, including the confidential kWh discount structure negotiated with AEP Ohio and approved by the Commission, the specific amounts paid by ADS to AEP Ohio for Wire Services from 2018 through 2022, the specific amounts of cumulative discounts under the economic development arrangement approved by the Commission, and the percentage of discount on a cumulative basis, and confidential information regarding ADS's generation service for the three data center campuses¹¹, all of which information ADS's competitors could be used to ascertain one of the most critical cost components for data center operations, which is energy, and thus place ADS at a competitive disadvantage in the global cloud computing market (pages 8-10 and FN 3 of the Status Report).

Exhibit A to the Status Report in particular is a detailed Economic Impact Study prepared for the Status Report, which contains sensitive and proprietary information related to AWS's actual and projected investments in Ohio and the anticipated and projected economic impacts of those investments, such as employment numbers and capital expenditures, as outlined in more detail above.¹²

In accordance with Ohio's trade secret law, the sensitive operational, business, and financial information outlined above "derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by,

¹¹ *Id.* at ¶ 9.

¹² *Id.* at ¶ 10.

other persons who can obtain economic value from its disclosure or use.” R.C. 1333.61(D)(1). ADS would be placed at a significant competitive disadvantage if ADS’s sensitive and proprietary business and financial information regarding the details of its Ohio data center operations is disclosed to the public and accessible by ADS’s competitors.¹³ The cloud computing business is highly competitive.¹⁴ As demand for cloud computing services increases, ADS faces more competition from both established and new providers. This creates a highly competitive field as customers demand more cloud computing services, industry solutions, faster migration paths, and enhanced products. Public disclosure of ADS’s confidential business interests and plans would thus harm ADS because such disclosure could help ADS’s competitors learn how ADS has constructed and operates its Ohio data centers from a financial, logistical, and energy-use perspective.¹⁵ Therefore, this information derives independent economic value from not being generally known or readily ascertainable by proper means by ADS’s competitors in the cloud computing business who can obtain value from the disclosure or use of that information.

Further, the sensitive competitive information outlined above goes to the core of ADS’s data center operations in Ohio, and ADS has taken adequate steps to secure such information, keep it confidential, and prevent it from being publicly disclosed.¹⁶ Specifically, the information is the subject of efforts by ADS “that are reasonable under the circumstances to maintain its secrecy.” R.C. 1333.61(D)(2). ADS takes all reasonable precautions to safeguard the redacted

¹³ *Id.* at ¶¶ 13-14.

¹⁴ *See Highly Competitive Market Energizes Cloud Providers to Extend Their Services, Products and Tactics to Win the Cloud Wars*, <https://www.prnewswire.com/news-releases/highly-competitive-market-energizes-cloud-providers-to-extend-their-services-products-and-tactics-to-win-the-cloud-wars-301529187.html>, accessed April 26, 2023.

¹⁵ Metcalfe Aff. at ¶ 14.

¹⁶ *Id.* at ¶¶ 13-14.

information's secrecy and confidentiality. Such steps include, without limitation, entering into confidentiality agreements with persons receiving this trade secret information, keeping such trade secret information inaccessible to the public, protecting any trade secret information from public disclosure, and providing the information only to those persons authorized to receive such information.¹⁷

B. ADS's Trade Secret Information Meets the Six *Plain Dealer* Factors.

In reviewing motions to protect from public disclosure trade secret information under Ohio law, the Commission routinely applies the six factors that the Ohio Supreme Court articulated in *Plain Dealer*. See *Plain Dealer*, 80 Ohio St.3d at 524-525; see also *Ohio Consumers' Couns.*, 112 Ohio St.3d 362, ¶ 28 (information about electricity use and pricing “allows the contracting parties to run their businesses more economically and to compete more effectively”); *Plain Dealer*, 80 Ohio St.3d at 531 (investment information was “financial information” that was “economically valuable”); *Boehm v. Black Diamond Casino Events, LLC*, 116 N.E.3d 704, 2018-Ohio-2379, ¶¶ 5-6 (1st Dist.) (operational and financial data). ADS addresses each factor in turn.

1. ADS does not disclose the trade secret information outside its business.

The trade secret information outlined in this memorandum has been kept secret and is not known outside of ADS. The only exceptions are when the trade secret information is needed by ADS's outside legal counsel, or when made subject to confidentiality agreements or protective orders that are entered only on an as-needed basis.¹⁸ Even then, ADS takes significant precautions to limit this exposure and strictly enforces all confidentiality agreements and

¹⁷ *Id.* at ¶¶ 11-12.

¹⁸ *Id.* at ¶ 12.

protective orders.¹⁹ Other than these limited instances, ADS does not otherwise share its trade secret information outside the business.²⁰

2. ADS works to ensure that its trade secret information is only known to those inside the business as needed.

ADS does not publicly disclose its trade secret information and takes significant precautions to guard it. ADS has put safeguards in place to ensure its trade secret information is only known to those inside its business.²¹ ADS further limits the exposure of its trade secret information by only sharing it with ADS personnel and counsel who need to know the information in order to perform business operations.²² ADS provides its trade secret information to employees only as necessary to, for example, to develop plans for the data centers, operate the data centers, and carry out support functions, such as regulatory or legal tasks.²³

3. ADS takes precautions to guard the secrecy of its trade secret information.

ADS takes significant precautions to ensure that the trade secret information outlined in this memorandum is not disclosed to the public. To ensure its trade secret information is safeguarded, ADS enters into confidentiality agreements and non-disclosure agreements with persons receiving its trade secret information, keeps such trade secret information inaccessible to the public, and maintains strong data security practices to avoid unauthorized release of such information.²⁴ Moreover, ADS strictly enforces its internal confidentiality policies and any confidentiality agreements or non-disclosure agreements it enters into with other entities.²⁵ ADS

¹⁹ *Id.* at ¶¶ 11-12.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at ¶ 12.

²³ *Id.*

²⁴ *Id.* at ¶ 11.

²⁵ *Id.*

also maintains the confidentiality of the information in public filings by requesting protective orders from the Commission and other legal and regulatory authorities, as needed.

4. The value to ADS in protecting the information from competitors is substantial.

Given the highly competitive industry of cloud computing, there is immense value to ADS in maintaining the confidentiality of its trade secret information outlined in this memorandum. Without a protective order, competitors could benefit greatly from the disclosure of the trade secret information because it contains sensitive business and financial information that provides a window into, among other things, ADS's confidential data center business strategies and operations at its Ohio data center campuses.²⁶ This data is competitively sensitive because ADS's competitors could ascertain ADS's data center footprint, strategic business plans, operational strategy, energy costs, personnel plans, and financial information from this data.²⁷ Public disclosure of the trade secret information would cause ADS significant harm and competitive disadvantage, while ADS's competitors would receive an undeserved windfall of valuable strategic and financial information.

5. ADS has expended great effort and incurred substantial costs in obtaining and developing the trade secret information.

ADS developed and created the information, particularly the economic data contained in the Status Report and its Exhibit A, after many years of research, planning, development, and implementation to ensure its service offerings were competitive and innovative in light of all relevant market conditions in the cloud computing marketplace.²⁸ ADS has spent substantial amounts of time and funds to not only plan, establish and operate its data centers and data center

²⁶ *Id.* at ¶¶ 13-14.

²⁷ *Id.*

²⁸ *Id.* at ¶ 15.

campuses, but to assess the economic impact of doing so.²⁹ ADS utilized years of data and models available only to ADS that required extensive investment of time and money to collect, analyze, and ascertain.³⁰ ADS's competitors could not compile this kind of information without similar extensive investments.³¹ If the trade secret information was released, it would give ADS competitors access to years of sensitive investment and operational data, which would facilitate replication of ADS's data center business strategies and operations and would harm ADS greatly.³²

6. It would take others a great amount of time and substantial expenses to attempt to acquire or duplicate the trade secret information.

It would not be possible for the general public or ADS's competitors to recreate the trade secret information outlined in this memorandum from public or proper sources. As mentioned above, ADS has spent many years and has incurred substantial costs to develop the trade secret information, which comes from data and models available only to ADS, including operational information and the economic impacts of its investments in its data centers in Ohio.³³ This information cannot be easily duplicated by others, if at all, without conducting the same research and planning.³⁴ If the trade secret information was released, it would give ADS competitors the competitive advantage to utilize years' worth of data without having to spend substantial amounts of time and funds to research and develop.³⁵

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

CONCLUSION

For all of these reasons, the information outlined in this memorandum and appearing in the Status Report and Exhibit A to the Status Report is trade secret information under Ohio law, and should remain under seal pursuant to a protective order under Ohio Adm. Code 4901-1-24(D). The protection of this trade secret information from public disclosure is consistent with the Revised Code and the Commission's rules. *See* Ohio Adm. Code 4901-1-24(D). That is because the Commission will have access to the trade secret information in order to fully review and evaluate the Status Report, but ADS's competitors will not gain an unfair competitive advantage by benefitting from ADS's efforts to generate and secure its sensitive financial and business information.

Accordingly, pursuant to Ohio Adm. Code 4901-1-24(D), ADS respectfully requests that the Commission grant this motion to protect the confidential trade secret information and order that the unredacted versions of the Status Report and Exhibit A to the Status Report remain under seal and not publicly accessible.

Dated: April 28, 2023

Respectfully submitted,

/s/ David F. Proaño

David F. Proaño (0078838), Counsel of Record
dproano@bakerlaw.com

Kendall C. Kash (0093717)

kkash@bakerlaw.com

BAKER & HOSTETLER LLP

Key Tower

127 Public Square, Suite 2000

Cleveland, Ohio 44114

Telephone: 216-621-0200

Facsimile: 216-696-0740

Rand L. McClellan (0079266)

rmcclellan@bakerlaw.com

Kayla M. Prieto (0092090)

kprieto@bakerlaw.com

BAKER & HOSTETLER LLP

200 Civic Center Drive, Suite 1200

Columbus, Ohio 43215

Telephone: 614-228-1541

Facsimile: 614-462-2616

Counsel for Amazon Data Services, Inc.

CERTIFICATE OF SERVICE

I certify on this 28th day of April, 2023, that the foregoing document was filed using the Commission's Docketing Information System and was served by electronic mail on the following:

stnourse@aep.com
cblend@aep.com
bojko@carpenterlipps.com
perko@carpenterlipps.com
Maureen.willis@occ.ohio.gov
william.wright@ohioattorneygeneral.gov
thomas.lindgren@ohioago.gov
werner.margard@ohioago.gov

/s/ David F. Proaño
David F. Proaño (0078838)
*Counsel of Record for Amazon Data
Services, Inc*

Case No. 17-1827-EL-AEC

EXHIBIT 1 TO

***MOTION FOR PROTECTIVE ORDER BY AMAZON
DATA SERVICES, INC. F/K/A VADATA, INC.***

AFFIDAVIT OF TRAVIS METCALFE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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

**AFFIDAVIT OF TRAVIS METCALFE IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, Travis Metcalfe, being first duly cautioned and sworn, state as follows:

1. My name is Travis Metcalfe. I am above the age of eighteen (18) years old and competent to make this affidavit.

2. I am an Energy Projects Manager at Amazon Web Services, the parent company of Amazon Data Services, Inc. (“ADS”). My job responsibilities include developing and executing energy strategies that reduce long-term energy costs. I am authorized by ADS to make the statements in this Affidavit, which are based on my personal knowledge.

3. This affidavit is provided in support of the Motion for Protective Order (“Motion”) filed by ADS on April 28, 2023, regarding the Five-Year Status Report of Amazon Data Services, Inc. f/k/a Vadata Inc. (the “Status Report”) also filed on that date in this matter.

4. As an Energy Projects Manager, it is part of my duties and responsibilities to perform economic analysis reviews or economic impact reviews for ADS’s business, and I am familiar with ADS’s record keeping systems and proprietary models on which the reviews are based.

5. The Status Report and its Exhibit A contain sensitive and confidential information regarding the specific number of data center buildings at each of the ADS three data center campuses in Columbus, Ohio region, including the timeline for their construction and operational implementation by ADS.

6. The Status Report and its Exhibit A contain sensitive and confidential information regarding the specific amounts of financial investments made by ADS in its Columbus, Ohio data center campuses, including the amounts invested in constructing, operating, and maintaining the three data center campuses, the specific amount of capital and operating expenditures by ADS and the specific amounts of in-state purchases of ADS.

7. The Status Report and its Exhibit A contain sensitive and confidential estimates prepared by ADS's in-house economics team regarding the amount of revenue to Ohio businesses, GDP to the State of Ohio, and labor compensations by business supporting ADS's investments.

8. The Status Report and its Exhibit A contain sensitive and confidential information regarding the specific number of jobs directly created by ADS's data center operations in Ohio, the total compensation received by ADS's employees in Ohio, the specific number of workers that have been on-site at the ADS data center campuses performing skilled roles, and the estimated numbers of jobs created by ADS's data center investments in Ohio, including the number of full-time equivalent jobs annually at external businesses supporting the ADS's data center campuses, and estimated direct, indirect and induced job figures made possible by ADS's data center campus investment.

9. The Status Report and its Exhibit A contain sensitive and confidential information regarding AD's utility bills from Ohio Power Company ("AEP Ohio") and arrangement with that

utility for ADS's three Ohio data center campuses, including the confidential kWh discount structure negotiated with AEP Ohio, the specific amounts paid by ADS to AEP Ohio for Wire Services from 2018 through 2022, the specific amounts of cumulative discounts under the economic development arrangement approved by the Commission, and the percentage of discount on a cumulative basis, and confidential information regarding ADS's generation service for the three data center campuses.

10. Exhibit A to the Status Report is a detailed Economic Impact Study ("EIS") which contains sensitive and proprietary information related to Amazon Web Services, Inc.'s ("AWS") actual and projected investments in Ohio and the anticipated and project economic impacts of those investments such as employment numbers and capital expenditures. ADS considers its business data and modeling to be confidential, and it does not share them publicly. The information in the EIS is true and accurate to the best of my knowledge and belief.

11. All of this information has been kept secret and is not made available outside of ADS. ADS does not publicly disclose such information and takes significant precautions to guard it. ADS has put safeguards in place to ensure its trade secret information is only known to those inside the business such as entering into confidentiality agreements and non-disclosure agreements with persons receiving its trade secret information, keeping such trade secret information inaccessible to the public, and maintaining strong data security practices to avoid unauthorized release of such information. ADS strictly enforces its internal confidentiality policies and confidentiality agreements or non-disclosure agreements it enters into with other entities and only provides the information to those persons authorized to receive such information.

12. This information is only shared internally and is only known to those inside the business as needed for business operations including to develop plans for the data centers, operate the data centers, and carry out support functions, such as regulatory or legal tasks. This information is not known outside of ADS except when needed by ADS's outside legal counsel, or when made subject to confidentiality agreements or protective orders that are entered only on an as-needed basis.

13. This information is highly valuable to ADS. Based on my experience, it would also be valuable to ADS's competitors. Cloud computing is a highly competitive industry. The information described in this affidavit provides a window into ADS's confidential data center business strategies and operations in Ohio. ADS would be placed at a significant competitive disadvantage if ADS's sensitive and proprietary business and financial information regarding the details of its Ohio data center operations is disclosed to the public and accessible by ADS's competitors because ADS's competitors could ascertain data center footprint, data centers operations, energy costs, strategic business plans and financial information.

14. Release of this information would also reveal how ADS has constructed and operates its Ohio data centers from a financial, logistical, and energy-use perspective. All of this information is highly sensitive, competitive information that would harm ADS competitively if it were to be publicly revealed.

15. This information is the product of years of research, planning, and implementation to ensure ADS's service offerings are competitive and innovative in light of all relevant market conditions in the cloud computing market. ADS has spent substantial amounts of time and funds to plan, establish and operate its data centers and data center campuses as well as assess the economic impact of doing so. ADS utilized years of data and models available only

to ADS that required extensive investment of time and money to collect, analyze, and ascertain. A competitor could not compile this kind of information without a similar investment and if the information was publicly released, it would give ADS's competitors access to years of data to replicate ADS's operations.

16. The information in the Status Report and Exhibit A are true and accurate to the best of my knowledge and belief.

Executed this 28th day of April 2023.

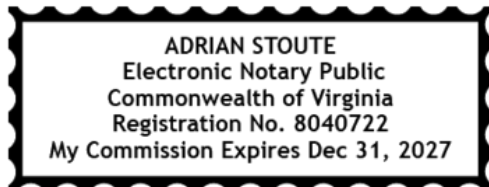
Travis Metcalfe

Travis Metcalfe

SUBSCRIBED AND SWORN to before me by Travis Metcalfe
on this 28th day of April 2023.

Adrian Stoute

Notary Public



My Commission expires: December 31, 2027

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

4/28/2023 1:59:10 PM

in

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

Summary: Motion MOTION FOR PROTECTIVE ORDER AND MEMORANDUM IN
SUPPORT electronically filed by Mr. David F. Proano on behalf of Amazon Data
Services, Inc..