**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval of Demand Side Management Program for its Residential and Commercial Customers.  In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval to Change Accounting Methods. | )  )  )  )  )  )  ) | Case No. 16-1309-GA-UNC  Case No. 16-1310-GA-AAM |

**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 Columbia Gas of Ohio, Inc. ("Columbia").[[1]](#footnote-2) As part of discovery in this proceeding, Columbia provided information to OCC, subject to a protective agreement, and asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-24, the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the Office of the Ohio Consumers' Counsel Memorandum Contra Motion by Columbia Gas of Ohio, Inc. to Keep Secret Information About Energy Efficiency Programs that Customers Pay For (the "Memo Contra") that are asserted to be confidential by Columbia. Subject to OCC's rights under the protective agreement, OCC is filing the

Memo Contra under seal and is also filing a public version that shows all information not claimed by Columbia 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 Columbia that provides for such information to be treated as confidential and protected (subject to the PUCO's resolution of Columbia's Motion for a Protective Order and Memorandum in Support, filed in this proceeding on September 7, 2016, and 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/ Christopher Healey \_\_\_\_\_\_*

Christopher Healey (0086027)  
Counsel of Record

**Office of the Ohio Consumers' Counsel** 10 West Broad Street, Suite 1800 Columbus, Ohio 43215-3485

Telephone: 614-466-9571

[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)

(will accept service via email)

Kimberly W. Bojko  
Carpenter Lipps & Leland LLP  
280 North High Street, Suite 1300  
Columbus, Ohio 43215  
Telephone: (614) 365-4124 [Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)

(will accept service via email)

*Outside Counsel to the Office of the Ohio Consumers' Counsel*

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval of Demand Side Management Program for its Residential and Commercial Customers.  In the Matter of the Application of Columbia Gas of Ohio, Inc. for Approval to Change Accounting Methods. | )  )  )  )  )  )  ) | Case No. 16-1309-GA-UNC  Case No. 16-1310-GA-AAM |

**MEMORANDUM IN SUPPORT**

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of the Office of the Ohio Consumers' Counsel Memorandum Contra Motion by Columbia Gas of Ohio, Inc. to Keep Secret Information About Energy Efficiency Programs that Customers Pay For (the "Memo Contra"). In filing this Motion, OCC does not concede that the information in the Memo Contra is trade secret information pursuant to R.C. 1333.61 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 Columbia considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61. OCC's understanding is based on claims by Columbia 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 Columbia, at this time, confidential treatment of the redacted information in the Memo Contra would be appropriate, subject to OCC's opposition to Columbia's September 7, 2016 Motion for a Protective Order filed in this case and subject to OCC's rights under its protective agreement with Columbia to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version of the Memo Contra so that all information not claimed by Columbia to be confidential is accessible for the public's review. The public version does not contain information that was asserted by Columbia 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/ Christopher Healey \_\_\_\_\_\_*

Christopher Healey (0086027)

Counsel of Record

**Office of the Ohio Consumers' Counsel** 10 West Broad Street, Suite 1800 Columbus, Ohio 43215-3485

Telephone: 614-466-9571

[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)

(will accept service via email)

Kimberly W. Bojko  
Carpenter Lipps & Leland LLP  
280 North High Street, Suite 1300  
Columbus, Ohio 43215  
Telephone: (614) 365-4124 [Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)

(will accept service via email)

*Outside Counsel to the Office of the Ohio Consumers' Counsel*

**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 electronic transmission this 22nd day of September 2016.

*/s/ Christopher Healey\_\_\_\_*

Christopher Healey

Assistant Consumers' Counsel

**SERVICE LIST**

|  |  |
| --- | --- |
| [thomas.lindgren@ohioattorneygeneral.gov](mailto:thomas.lindgren@ohioattorneygeneral.gov)  [cendsley@ofbf.org](mailto:cendsley@ofbf.org)  [lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)  [amilam@ofbf.org](mailto:amilam@ofbf.org)  [trhayslaw@gmail.com](mailto:trhayslaw@gmail.com)  [leslielovacik@toledo.oh.gov](mailto:leslielovacik@toledo.oh.gov)  [tischler-beth@maumee.org](mailto:tischler-beth@maumee.org)  [mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  [glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  [ibatikov@vorys.com](mailto:ibatikov@vorys.com)  [mfleisher@elpc.org](mailto:mfleisher@elpc.org)  Attorney Examiner:  [Greta.see@puc.state.oh.us](mailto:Greta.see@puc.state.oh.us) | [josephclark@nisource.com](mailto:josephclark@nisource.com)  [sseiple@nisource.com](mailto:sseiple@nisource.com)  [cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)  [bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  [callwein@keglerbrown.com](mailto:callwein@keglerbrown.com)  [rick.sites@ohiohospitals.org](mailto:rick.sites@ohiohospitals.org)  [mwarnock@bricker.com](mailto:mwarnock@bricker.com)  [dborchers@bricker.com](mailto:dborchers@bricker.com)  [joliker@igsenergy.com](mailto:joliker@igsenergy.com)  [gpiacentino@wp-lawgroup.com](mailto:gpiacentino@wp-lawgroup.com) |

1. This Motion is filed pursuant to Ohio Adm. Code 4901-1-02, 4901-1-12 and 4901-1-24(D). [↑](#footnote-ref-2)