

PUBLIC UTILITIES COMMISSION OF OHIO

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Confidential Information
Exhibits C-3 & C-5

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Case No. 06-1387-EL-CRS

PROTECTIVE ORDER

WHEREAS, in the above-referenced Case No., Liberty Power Delaware, LLC & Liberty Power Corp., LLC (“Charter”) is filing confidential information relating to financial statements in connection with Retail License Application.

WHEREAS, the Confidential Information is highly confidential and is considered trade secret, proprietary and of the utmost commercially sensitive nature.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the following procedure be adopted for the protection of the filing of the Confidential Information contained herein:

A. The Protective Order shall govern all Confidential Information provided in the docket pertaining to Charter, whether in the form of documents, data, computer tapes, diskettes, CD-ROMs, testimony, studies or otherwise.

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Technician SB Date Processed 12-15-86

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B. The Confidential Information so delivered to the Acting Executive Secretary shall be available, solely on a need-to-know basis and in only relation with the above-captioned Case No., for use by Commissioners and staff of the Department and any consultant retained by these entities, who shall all be bound by the terms of this Protective Order. The Executive Secretary shall maintain a log of all such persons granted access to the Confidential Information.

C. If at any time any portion of the Confidential Information is used or discussed at any hearing that might be held in this Case No. and if it is not possible to examine the Confidential Information without disclosing the sensitive parts of it, the hearing room shall be closed except to persons who have agreed to be bound by this Protective Order and the record shall be separately transcribed and handled only by persons who have agreed to be bound by all of the terms of this Protective Order. All copies of the transcription will be placed in sealed envelopes with the label referenced in Section "B" affixed thereto and copies of such separate transcript will be supplied only to the persons covered by this Protective Order.

D. Except as provided above, no portions of the Confidential Information, whether by copy or summary, shall be disclosed to any person other than those granted access pursuant to this Protective Order.

E. The Confidential Information shall not be filed as part of the record in this proceeding and shall not be subject to disclosure under the Freedom of Information Act. However, nothing in this Protective Order shall be construed to apply to any portion of the Confidential Information that is otherwise available within the public domain.

F. No person who is afforded access to the Confidential Information by reason of the Protective Order shall either use or disclose any information contained therein, in whole or in

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part, except as provided herein, and each such person shall take all reasonable precautions to keep such information confidential, secure and in accordance with the purposes and intent of this Order.

G. All persons granted access to Charter's Confidential Information by reason of this Order recognize that money damages are an inadequate remedy for breach thereof and further recognize that such breach would result in irreparable harm to Charter. Charter shall be entitled to extraordinary remedies for a breach of this Protective Order including temporary or permanent injunctions, as may be required to enforce the provisions of this Order.

H. If Confidential Information is disclosed to any person other than in the manner authorized by this Protective Order, the party responsible for such disclosure shall, immediately upon learning of the disclosure, inform Charter of all pertinent facts relating to such disclosure and shall make every effort to prevent disclosure by each unauthorized person who receive such information.

Initial _____ A.D. 

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

IN RE:

Confidential Information
Exhibits C-3 & C-5

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Case No. 06-1387-EL-CRS

NONDISCLOSURE AGREEMENT AND AGREEMENT
TO BE BOUND BY THE TERMS OF THE PROTECTIVE ORDER

The undersigned hereby acknowledges review of the Protective Order entered in the above-captioned proceeding, and hereby agrees to abide by the terms thereof in exchange for being given access to information protected from disclosure under the terms of the Protective Order.

Dated: December 11, 2006

Name and Title: Alberto Daire, COO
(Print)


(Signature)

Public Utilities of Ohio

By: _____

Its: _____

Initial _____ A.D. 