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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the 2007 Long )  
Term Forecast Report of FirstEnergy ) Case No. 07-504-EL-FOR  
Corp. and Related Matters )

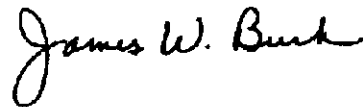
**Motion for Protective Order**

Pursuant to the provisions of Ohio Administrative Code § 4901-1-24, Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, and American Transmission Systems, Incorporated ("Companies"), move the Commission to issue its order which protects the confidentiality of and prohibits the disclosure of certain documents filed under seal by the Companies in this docket on or about April 16, 2007. The documents at issue contain sensitive and highly proprietary detailed operational information about the distribution and transmission systems of the Companies, including Critical Energy Infrastructure Information ("CEII").

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These documents were filed under seal and separate from the remainder of the materials that comprise the Companies' Long Term Forecast Report. The grounds for the instant Motion are more fully set out in the accompanying Memorandum in Support.

Respectfully submitted,

A handwritten signature in cursive script that reads "James W. Burk".

James W. Burk  
Senior Attorney  
76 South Main Street  
Akron, Ohio 44308  
Phone: 330-384-5861  
Fax: 330-384-3875  
Email: [burkj@firstenergycorp.com](mailto:burkj@firstenergycorp.com)  
Counsel for Ohio Edison Company  
The Cleveland Electric Illuminating Company  
The Toledo Edison Company  
American Transmission Systems, Incorporated

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the 2006 Long Term	)	
Forecast Report of FirstEnergy	)	Case No. 07-504-EL-FOR
Corp. and Related Matters	)	

**Memorandum in Support of Motion for Protective Order**

On April 16, 2007, the Companies timely filed their 2007 Long Term Forecast Report ("LTFR"). The LTFR contained all of the required information and materials, including responses to Chapter 3 and Chapter 4 switching diagrams relating to their electrical systems which, in accord with O.A.C. 4901-1-24, were filed under seal. Specifically, the information filed under seal included all pages in Chapter 3 related to the transmission forecast, and the switching diagrams required to be filed by O.A.C. 4901:5-5-04(C)(5) commencing with page 4-31. This information was filed under seal simultaneously with the filing this Motion. The documents filed under seal contain operationally sensitive and proprietary information requiring confidential treatment, and include Critical Energy Infrastructure Information. The Companies request that the Commission maintain the confidential nature of those documents and that information.

In the aftermath of the terrorist attack on September 11, 2001, a heightened awareness and concern has existed regarding what type and how much information should be publicly available regarding certain facilities. The sound public policy of not making public the precise location and operation of critical electrical facilities now seems self-evident. The information submitted under seal herein details the

characteristics of transmission owner's existing and proposed transmission lines and substations and is considered Critical Energy Infrastructure Information within the meaning of 18 CFR Section 388.113(c)(1)<sup>1</sup>.

Similar information concerning the planning and operation of the FirstEnergy transmission system, including system maps and diagrams, have been filed under seal at the Federal Energy Regulatory Commission ("FERC") as part of FERC Form 715. FERC considers such information to be Critical Energy Infrastructure Information in their Order No. 630, since they show existing and proposed transmission systems and assets by listing the inter-connecting lines and substations, the destruction of which would negatively affect security, economic security, and public health and safety. Upon that basis, the Commission should grant the Companies' request to maintain the information under seal.

A review of the documents in question also demonstrates that they comprise information that falls within the statutory characterization of a trade secret under R.C. §1333.61(D). It is established that information comprising trade secrets is exempted from the requirements of disclosure under that statutory provision. *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St. 3d 513 (1997); 88 O. Jur. 3d, Trade Secrets § 27. Requests under the Open Records law for disclosure of the documents filed under seal in this proceeding should be rejected under Revised Code § 149.43(A)(1)(v) as records whose release is prohibited under state and federal law.

Similar information was filed under seal as part of FirstEnergy's 2006 Long Term Forecast Report, and the Commission granted the confidential treatment of that material. *Entry*, Case No. 06-504-EL-FOR, April 18, 2006. Because the information

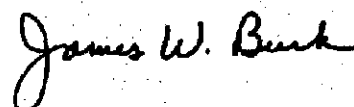
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<sup>1</sup> Order No. 630 adopting Final Rule (February 21, 2003).

submitted under seal will be available to the Commission Staff, the Staff's review may take place without the necessity of public disclosure of the confidential information. Therefore, the Companies request that this Commission hold information filed under seal in confidence.

Given the highly confidential and proprietary nature of the operational information filed under seal, the Companies urge the Commission to grant this Motion and issue an appropriate Order or act otherwise so as to assure the nondisclosure of these sensitive materials.

Respectfully submitted,

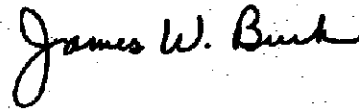


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James W. Burk  
Senior Attorney  
FirstEnergy Corp.  
76 South Main Street  
Akron, OH 44308  
(330) 384-5861  
Fax: (330) 384-3875

## Certificate of Service

I hereby certify that the foregoing Motion for Protective Order was served by either hand delivery or United States first class mail, postage prepaid, this 16<sup>th</sup> day of April 2007 upon the parties set forth below.



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James W. Burk  
Senior Attorney

Duane Luckey, Esq.  
Senior Deputy Attorney General  
Public Utilities Section  
180 East Broad Street  
Columbus, Ohio 43215-3793

Janine L. Migden-Ostrander, Esq.  
Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485