

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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PUCO

In the Matter of the Application of The )  
East Ohio Gas Company d/b/a Dominion ) Case No. 07-829-GA-AIR  
East Ohio for Authority to Increase Rates )  
for its Gas Distribution Service. )

In the Matter of the Application of the )  
East Ohio Gas Company d/b/a Dominion ) Case No. 07-830-GA-ALT  
East Ohio for Approval of an Alternative )  
Rate Plan for its Gas Distribution Service. )

In the Matter of the Application of the )  
East Ohio Gas Company d/b/a Dominion ) Case No. 07-831-GA-AAM  
East Ohio for Approval to Change )  
Accounting Methods. )

In the Matter of the Application of the )  
East Ohio Gas Company d/b/a Dominion ) Case No. 08-169-GA-ALT  
East Ohio for Approval of Tariffs to )  
Recover Certain Costs Associated with a )  
Pipeline Infrastructure Replacement )  
Program Through an Automatic )  
Adjustment Clause, And for Certain )  
Accounting Treatment. )

In the Matter of the Application of the )  
East Ohio Gas Company d/b/a Dominion ) Case No. 06-1453-UNC  
East Ohio for Approval of Tariffs to )  
Recover Certain Costs Associated with a )  
Automated Meter Reading Deployment )  
through an Automatic Adjustment Clause, )  
And for Certain Accounting Treatment. )

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**MOTION FOR PROTECTIVE ORDER REGARDING THE TESTIMONY OF  
WITNESSES HINES, TANNER, AND ROYCROFT  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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Pursuant to Ohio Adm. Code 4901-1-24, the Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission ("PUCO" or

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“Commission”) for a protective order regarding certain information asserted to be confidential by East Ohio Gas Company d/b/a Dominion East Ohio (“DEO” or “the Company”). As part of discovery in these proceedings, DEO provided information to OCC (subject to a protective agreement) and asserted that non-disclosure of the information is not inconsistent with the purposes of R.C. Title 49. Some of that information is used in OCC’s testimony that address the Staff Report of Investigation (“Staff Report”) that was filed on May 23, 2008 concerning the August 30, 2007 Application (“Rate Case Application”).

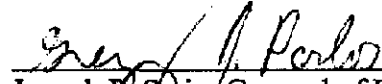
Contemporaneously with the filing of this Motion, OCC is submitting objections to the Staff Report and pre-filed testimony. The testimony of OCC witnesses Hines, Tanner, and Roycroft contain information that was obtained by OCC pursuant to its protective agreement with DEO that is redacted from the publicly filed version. OCC requests that the Commission issue such order as is necessary to protect the information redacted from OCC’s testimony, subject to the resolution of this case and the OCC’s rights under its protective agreement with DEO.

By this Motion, OCC does not concede that the information does indeed contain trade secrets or should otherwise be withheld from public inspection. However, OCC has obtained this information pursuant to a protective agreement with DEO that provides for such information to be treated under a protected status (i.e. protected subject to OCC’s right under the protective agreement to initiate a process for review regarding 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,

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The ) East Ohio Gas Company d/b/a Dominion ) East Ohio for Authority to Increase Rates ) for its Gas Distribution Service. )	Case No. 07-829-GA-AIR
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**MEMORANDUM IN SUPPORT**

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Contemporaneously with the filing of this Motion, OCC is filing objections and the corresponding testimony that address the Staff Report. OCC's pre-filed testimony of OCC witnesses Hines, Tanner, and Roycroft contain information obtained in discovery

subject to OCC's protective agreement with DEO. Documents labeled "Public Version Redacted" are being filed for view by the public. The Public Version of the testimony reflects the redaction of information that may be considered confidential by the Company. The final treatment of some of this information remains in controversy, both because the period for revised redaction of documents (as required by the Order) has not yet run and because the treatment of the information is a subject of the Company's Rate Case Application.

Without conceding that the information obtained in these proceedings from the Company under claims of confidentiality meet the standard for trade secrets and deserve protection from public revelation under R.C. 1333.61(D), the OCC files the instant Motion under the workings of the PUCO's rules to protect the information pending a determination at a later point in time regarding the appropriate treatment of the information under Ohio law. Accordingly, OCC hereby requests that the Commission issue such order as is necessary to protect the redacted portions of OCC's pre-filed testimony of OCC witnesses Hines, Tanner, and Roycroft subject to the resolution of this case and the OCC's rights under its protective agreement with DEO.


OCC understands that the Company considers the information redacted in OCC's testimony to be confidential and deserving of the status of trade secrets as defined in R.C. 1333.61(D). Such assertions would be based on claims by DEO 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. Under the assertions made by DEO, confidential treatment of the documents and the information that OCC seeks to use

from those documents would be appropriate, subject to the OCC's rights under the protective agreement with DEO to initiate a review process regarding whether the information qualifies for protection.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion for Protective Order should be granted.

Respectfully submitted,

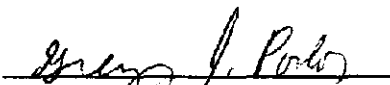
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Protective Order of the Office of the Ohio Consumers' Counsel was by first class United States Mail, postage prepaid, to the persons listed below, on this 23<sup>rd</sup> day of June 2008.

  
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