

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-DOCKETING DIV  
2008 JUL 29 PM 5:19  
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 )  
East Ohio for Approval of Tariffs to ) Case No. 08-169-GA-ALT  
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 )  
East Ohio for Approval of Tariffs to ) Case No. 06-1453-UNC  
Recover Certain Costs Associated with a )  
Automated Meter Reading Deployment )  
through an Automatic Adjustment Clause, )  
And for Certain Accounting Treatment. )

---

**MOTION FOR PROTECTIVE ORDER REGARDING THE EXHIBITS TO THE  
DEPOSITION TRANSCRIPT OF WILLIAM ARMSTRONG  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

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

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business.  
Technician BIM Date Processed 7/30/08

“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 was used in OCC’s deposition of William Armstrong that was held on June 17, 2008.

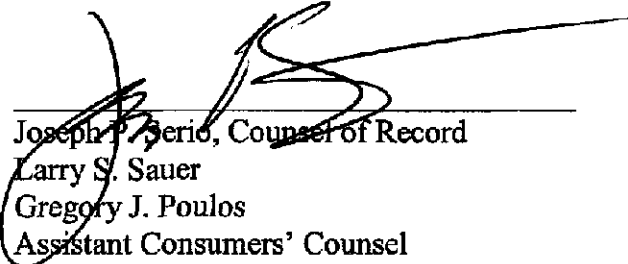
Contemporaneously with the filing of this Motion, OCC is submitting transcribed depositions of various Company witnesses in this proceeding, including Mr. Armstrong. The deposition transcript of Mr. Armstrong contains information that was obtained by OCC pursuant to its protective agreement with DEO 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 the deposition transcript, 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,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



---

Joseph P. Serio, Counsel of Record  
Larry S. Sauer  
Gregory J. Poulos  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
614-466-8574 (Telephone)  
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)  
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)  
[poulos@occ.state.oh.us](mailto:poulos@occ.state.oh.us)

**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
In the Matter of the Application of the ) East Ohio Gas Company d/b/a Dominion ) East Ohio for Approval of an Alternative ) Rate Plan for its Gas Distribution Service. )	Case No. 07-830-GA-ALT
In the Matter of the Application of the ) East Ohio Gas Company d/b/a Dominion ) East Ohio for Approval to Change ) Accounting Methods. )	Case No. 07-831-GA-AAM
In the Matter of the Application of the ) East Ohio Gas Company d/b/a Dominion ) 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. )	Case No. 08-169-GA-ALT
In the Matter of the Application of the ) East Ohio Gas Company d/b/a Dominion ) 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. )	Case No. 06-1453-UNC

---

**MEMORANDUM IN SUPPORT**

---

Contemporaneously with the filing of this Motion, OCC is filing the depositions of various Company witnesses including Mr. Armstrong. The deposition transcript of Mr. Armstrong contains 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 deposition transcript 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 Mr. Armstrong's deposition transcript 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 the deposition transcript 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,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



---

Joseph P. Serio, Counsel of Record

Larry S. Sauer

Gregory J. Poulos

Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

614-466-8574 (Telephone)

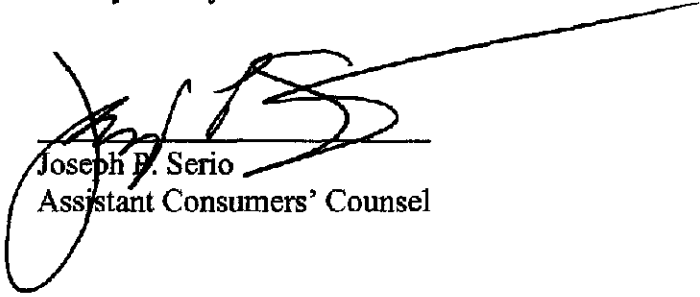
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)

[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)

[poulos@occ.state.oh.us](mailto:poulos@occ.state.oh.us)

## 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 29<sup>th</sup> day of July 2008.



Joseph E. Serio  
Assistant Consumers' Counsel

Stephen Reilly  
Anne Hammerstein  
Attorney General's Office  
Public Utilities Section  
180 East Broad Street, 9th Floor  
Columbus, Ohio 43215

David A. Kutik  
Dominion East Ohio  
Jones Day  
North Point, 901 Lakeside Ave.  
Cleveland, Ohio 44114-1190

Barth E. Royer  
Dominion Retail, Inc.  
Bell & Royer Co., LPA  
33 South Grant Avenue  
Columbus, Ohio 43215-3900

Mark A. Whitt  
Andrew J. Campbell  
Dominion East Ohio  
Jones Day  
P.O Box 165017  
Columbus, Ohio 43216-5017

John W. Bentine  
Mark S. Yurick  
Interstate Gas Supply  
Chester, Willcox & Saxbe LLP  
65 East State St., Ste. 1000  
Columbus, Ohio 43215-4213

M. Howard Petricoff  
Stephen Howard  
Integrays Energy Services, Inc.  
Vorys, Sater, Seymour & Pease LLP  
52 East Gay St., P.O. Box 1008  
Columbus, Ohio 43216-1008

Joseph P. Meissner  
Legal Aid Society of Cleveland  
1223 West Sixth Street  
Cleveland, Ohio 44113

David Rinebolt  
Colleen Mooney  
Ohio Partners for Affordable Energy  
P.O. Box 1793  
Findlay, Ohio 45839-1793

John M. Dosker  
General Counsel  
Stand Energy Corporation  
1077 Celestial St., Ste. 110  
Cincinnati, Ohio 45202-1629

Stephen M. Howard  
Ohio Gas Marketers Group  
Vorys, Sater, Seymour & Pease LLP  
52 East Gay St., P.O. Box 1008  
Columbus, Ohio 43216-1008

Todd M. Smith  
Utility Workers Union Of America  
Local G555  
Schwarzwald & McNair LLP  
616 Penton Media Building  
1300 East Ninth Street  
Cleveland, Ohio 44114

David F. Boehm  
Michael L. Kurtz  
Ohio Energy Group  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202

W. Jonathan Airey  
Gregory D. Russell  
Ohio Oil & Gas Association  
Vorys, Sater, Seymour & Pease LLP  
52 East Gay St., P.O. Box 1008  
Columbus, Ohio 43216-1008

Robert J. Triozzi  
Julianne Kurdila  
Steven Beeler  
City of Cleveland  
601 Lakeside Ave Room 106  
Cleveland OH 44114-1077