

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION)
OF THE CLEVELAND BOARD OF)
EDUCATION FOR THE CLEVELAND)
MUNICIPAL SCHOOL DISTRICT FOR)
EMERGENCY RATE RELIEF PURSUANT)
TO R.C. §4909.16)

CASE NO. 08-1237-^{EL}AEM

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MOTION FOR PROTECTIVE ORDER

Pursuant to O.A.C. § 4901-1-24(D), the Cleveland Municipal School District ("CMSD") moves for a protective order to protect the confidentiality of information contained in the existing Electric Service Agreement and Amendment No. 1 thereto (hereinafter referred to collectively as the "Agreement") between CMSD and The Cleveland Electric Illuminating Company. Three unredacted copies of the Agreement have been filed under seal with the Commission. This motion is accompanied by the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

BACKGROUND

The current electric rate for the schools and administrative buildings of the Cleveland Municipal School District ("CMSD") was established under an Electric Service Agreement ("Agreement") with Cleveland Electric Illuminating Co. ("CEI"), which terminates in December, 2008. Unless the Agreement is extended, the rate will be overwhelmingly increased beginning in January, 2009 by existing School rates or by rates currently proposed by CEI, all of which would cause an increase in rates from 49% to 94%. CMSD is seeking this Commission's authorization to resolve CMSD's problem by utilizing a multitude of statutory authorities.

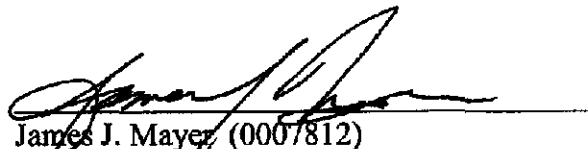
In this case, CMSD is filing an Application for Emergency Relief. The Application seeks to continue the Agreement in the future until a new agreement tolerable for CMSD can be negotiated between CMSD and CEI or until the proposed Reasonable Arrangement, mentioned below, is approved by the Commission. Concurrent with the filing of this Application, CMSD is filing two other pleadings in separate cases—a Complaint and an Application to Establish a Reasonable Arrangement. The Complaint argues that CEI's existing School rates and proposed rates which would go into effect in January, 2009 are oppressive, unjust and unreasonable, and that CEI should be ordered to negotiate in good faith with CMSD to continue the Agreement or establish a new agreement. The Application to Establish a Reasonable Arrangement is a filing of proposed rates based on a gradual increase in rates beginning May 1, 2009 through 2011 using those percent increases proposed by FirstEnergy in its pending rate cases.

THE NEED FOR A PROTECTIVE ORDER

The existing Electric Service Agreement between CMSD and CEI contains information that is relevant to the proceedings described above. The Agreement, however, contains a confidentiality provision whereby both parties agreed to hold the Agreement in confidence and further agreed not to disclose the Agreement to third parties except as required by statute, a regulatory agency, or court of law. To comply with this confidentiality provision, and because CMSD is unaware of whether the Agreement is currently on file with the Commission, CMSD seeks to file the Agreement under seal pursuant to a protective order rather than attaching the Agreement to the Complaint as an exhibit. CMSD requests that the Agreement remain under seal until such time that the Commission decides how to proceed.

CONCLUSION

For the foregoing reasons, CMSD respectfully requests that its Motion for a Protective Order be granted.



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