

September 10, 2010

The Public Utilities Commission of Ohio
Docketing Division 13th Floor
180 East Broad Street
Columbus, OH 43215-3793

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PUCO

Re: **CONFIDENTIAL/FILED UNDER SEAL**
Renewal Application for FirstEnergy Solutions Corp.
Original Case No. 00-1742-EL-CRS
Exhibit C-5

Dear Docketing Division:

Enclosed for filing are an original and 10 (ten) copies of the FirstEnergy Solutions Corp. **Motion for Protective Order and Exhibit C-5 of the Renewal Application.** Exhibit C-5 contains privileged and/or confidential information.

I am the new contact person for FirstEnergy Solutions. If the Commission has any questions regarding this submission, please feel free to contact me at (330) 436-1427 or via email at nbaharuddin@fes.com.

Respectfully Submitted,

Norkhairani Baharuddin

Norkhairani Baharuddin

Enclosures

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Technician BAM Date Processed SEP 10 2010

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

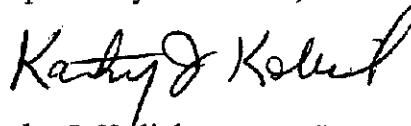
In the Matter of the Application of)	
FirstEnergy Solutions Corp. for)	Case No. 00-1742-EL-CRS
Certification/Renewal As A Competitive)	
Retail Electric Service Provider)	

Motion for Protective Order

Pursuant to the provisions of Ohio Administrative Code § 4901-1-24(D), FirstEnergy Solutions Corp., ("FES"), moves the Commission to issue its order which protects the confidentiality of and prohibits the disclosure of certain documents filed under seal by FES in this docket on September 10, 2010. The documents at issue contain competitively sensitive and highly proprietary business information comprising trade secrets.

These documents have been prominently marked as confidential and were filed under seal and separate from the remainder of the materials that comprise the FirstEnergy Solutions Corp. Application. The grounds for the instant Motion are more fully set out in the accompanying Memorandum in Support.

Respectfully submitted,



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On behalf of FirstEnergy Solutions Corp.

Memorandum in Support of Motion for Protective Order

On September 10, 2010, FirstEnergy Solutions Corp. ("FES") filed an application for certification/renewal as a retail generation provider and power marketer. That application contained all the required information and material except for Exhibit C-5 "Forecasted Financial Statements". In accord with the Commission's Application instructions and O.A.C. 4901-1-24, the information responsive to Exhibit C-5 was filed under seal simultaneously with the filing of this Motion For Protective Order. The documents filed under seal contain competitively sensitive and proprietary information requiring confidential treatment. FES requests that the Commission maintain the confidential nature of those documents and that information. FES endeavored to limit the number of documents that required filing under seal, and did so – only one exhibit out of the entire Application requires confidential treatment.

A review of the documents in question demonstrated that they comprise highly sensitive business information falling within the statutory characterization of a trade secret (Revised Code § 1333.61 (D)). The definition of Trade Secret contained in R.C. 1333.61 (D) is as follows:

"Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both the following:

(1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

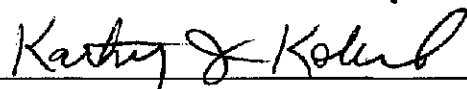
(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The confidential documents contain projected cost and performance data, confidential business strategy information, and current customer and revenue information the disclosure of which would jeopardize FES's business position in negotiations with other parties and its ability to compete. FES holds all of the information filed under seal in confidence in the normal course of business and it is not otherwise available to the public. Therefore the information filed under seal meets the statutory criteria to constitute a trade secret. Section 4901-1-24(A)(7) of the Ohio Administrative Code expressly contemplates that information constituting trade secrets or other confidential commercial information is properly the subject of a protective order. The non-disclosure of the information is not inconsistent with the purpose of Title 49 of the Revised Code. Further, because the information 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, FES requests that information filed under seal be held in confidence by this Commission.

Requests under Revised Code § 149.43 for disclosure of the documents filed under seal in this proceeding should be rejected. 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.

Given the highly confidential and proprietary nature of the information filed under seal, and the limited numbers of documents subject to this Motion, FES urges the Commission to grant this Motion and issue an appropriate Order or act otherwise so as to assure the nondisclosure of these sensitive, proprietary materials

Respectfully submitted,



Kathy J. Kolich (0038855)

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On behalf of FirstEnergy Solutions Corp.

Certificate of Service

THIS IS TO CERTIFY that a copy of the Motion for a Protective Order of FirstEnergy Solutions Corp. was served upon the following by regular U.S. Mail, postage prepaid, this 10th day of September, 2010.

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