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Via Hand Delivery

March 23, 2011

Renee Jenkins
The Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215

PUCO

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**Re: Hog Creek Wind Farm, I
Case No. 11-0757-EL-BGA**

Dear Ms. Jenkins,

Enclosed please find a Motion for Protective Order under Rule 4906-7-07(H) filed on behalf of Hog Creek Wind Farm, LLC in the above referenced case number. Due to the nature of this filing, we ask that the Board keep Exhibits A and B to this motion, which are filed under seal and marked "Trade Secret and Confidential," protected from disclosure.

Should you have any questions, please feel free to contact me at (614) 849-0300.

Sincerely,

MCMAHON DEGULIS LLP

Andrea M. Salimbene
Andrea M. Salimbene

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BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of HOG)
CREEK WINDFARM, LLC for a)
Certificate to Site a Wind-Powered) Case No. 11-0757-EL-BGA
Electric Generative Facility in Harding)
County, Ohio)

MOTION FOR PROTECTIVE ORDER UNDER RULE 4906-7-07(H)

Hog Creek Wind Farm, LLC ("Hog Creek"), pursuant to Ohio Administrative Code ("O.A.C.") Rule 4906-7-07(H), respectfully moves the Ohio Power Siting Board ("Board") to grant a Protective Order giving confidential treatment to the financial information and other proprietary/trade secret information as identified in the applications for an amended Certificate of Authority to be filed in this case, and discussed in the Memorandum in Support that follows.

Respectfully submitted on behalf of
HOG CREEK WIND FARM, LLC

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

The project is proposed by Hog Creek Wind Farm, LLC, whose sole member is juwi Wind LLC, which is a subsidiary of juwi Holding US, LLC and juwi Holding AG, an international renewable energy developer. Hog Creek has already received a Certificate from the Board to construct and operate a wind farm of between 47.5 and 48.6 Megawatts (MW) in nameplate capacity between Dola and the Village of Dunkirk, Hardin County, Ohio ("Hog Creek Wind Farm I"). Hog Creek Wind Farm, LLC is in the process of amending its Certificate for Hog Creek Wind Farm I in order to receive approval for two additional wind turbines – a Vestas V100 1.8 MW and a GE 1.6-100. After amendment, the Hog Creek Wind Farm I will consist of between nineteen (19) and thirty-one (31) wind turbines, associated access roads, electrical infrastructure, construction staging area, and operations and maintenance facilities. The project will interconnect to the electric utility grid via a 69 kV transmission line that crosses through the project area. The project area covers approximately 3,371 acres of privately leased agricultural land. The project will generate clean, emissions free, electricity that qualifies as a renewable energy resource under Ohio's Alternative Energy Portfolio Standard.

Hog Creek Wind Farm, LLC seeks confidential protective treatment of certain information to be submitted as part of its application for an amended Certificate.

II. REQUEST FOR PROTECTIVE TREATMENT OF CERTAIN INFORMATION UNDER RULE 4906-7-07(H)

O.A.C. 4906-7-07(H)(1)(g) allows the Board to provide protective treatment for trade secrets or other confidential business information. Specifically, the rule says that in

discovery for proceedings before the Board, the Board may issue an order providing that "[a] trade secret or other confidential research, development, commercial or other information not be disclosed or be disclosed only in a designated way." O.A.C. 4906-7-07(H)(1)(g). In this case, Hog Creek Wind Farm, LLC's application will include, as required by O.A.C. Chapter 4096-17, certain information and data subject to protection.

Pursuant to the directives in O.A.C. 4906-7-07(H), Hog Creek Wind Farm, LLC herein provides a complete version of its Financial Data that is filed under seal, marked "Trade Secret and Confidential," and set forth as **Exhibit A**. Additionally, a redacted version of its Financial Data is set forth as **Exhibit A-1**, with only that information redacted as is essential to prevent disclosure of confidential information. As a result, the Board will be able to place the reasonably-redacted Exhibit A-1 in the public file, but will also have the confidential information in Exhibit A available to it in the separate, un-redacted document.

Further, Hog Creek Wind Farm, LLC herein provides a complete version of the Vestas Americas Health Safety & Environment Manual that is filed under seal, marked "Trade Secret and Confidential," and set forth as **Exhibit B**. This manual contains confidential information, Vestas has asked that confidentiality be maintained, and Hog Creek Wind Farm, LLC asks that the entire document receive protection from public disclosure under the order requested.

The information in Exhibits A and B has independent economic value and is subject to reasonable efforts to maintain its secrecy pursuant to Ohio Revised Code (O.R.C.) Section 1333.61(D). Moreover, the information meets the six-factor test for determining trade secret information as set forth by the Ohio Supreme Court in *State ex rel. The Plain Dealer v. Ohio*

Dept. of Ins., 80 Ohio St. 3d 513, 524-525 (1997).¹ Finally, the nondisclosure of this information is not inconsistent with the purposes of O.R.C. Title 49.

WHEREFORE, Hog Creek Wind Farm, LLC asks the Board to approve this procedure and issue an order in accordance therewith or, in the alternative, to issue an order that will achieve the same objective through a mechanism acceptable to the Board.

Respectfully submitted on behalf of
HOG CREEK WIND FARM, LLC

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¹ The following factors should be examined when analyzing whether information constitutes a trade secret: "(1) The extent to which the information is known outside the business; (2) the extent to which it is known to those inside the business, i.e., by the employees; (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information; (4) the savings effected and the value to the holder in having the information as against competitors; (5) the amount of effort or money expended in obtaining and developing the information; and (6) the amount of time and expense it would take for others to acquire and duplicate the information." *Id.* An evaluation of the information in Exhibits A and B will demonstrate that according to these factors, the information constitutes trade secret information.