

In the Matter of the Review of The )  
Alternative Energy Rider Contained in )  
The Tariffs of Ohio Edison Company, The ) Case No. 11-5201-EL-RDR  
Cleveland Electric Illuminating Company )  
and The Toledo Edison Company. )

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves<sup>1</sup> the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by FirstEnergy.<sup>2</sup> As part of discovery in this proceeding, FirstEnergy provided information to OCC, subject to a protective agreement, and FirstEnergy asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the *Direct Testimony of Wilson Gonzalez* that are asserted to be confidential by FirstEnergy. Subject to OCC's rights under the protective agreement, OCC is filing the *Direct Testimony of Wilson Gonzalez* under seal, and is also filing a public version that shows all information not claimed by FirstEnergy to be confidential.

<sup>2</sup> “FirstEnergy” means the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company.

By filing the instant Motion, OCC does not concede that the information constitutes trade secret information. However, OCC acknowledges that it has obtained this information pursuant to a protective agreement with FirstEnergy that provides for such information to be treated as confidential and protected (subject to OCC's right under the protective agreement to initiate a process for the PUCO to rule 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,

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

/s/ *Melissa R. Yost*

Melissa R. Yost, Counsel of Record  
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OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of the *Direct Testimony of Wilson Gonzalez*. In filing this Motion, OCC does not concede that the information in the *Direct Testimony of Wilson Gonzalez* is trade secret information pursuant to R.C. 1333.61(D) and does not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

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In addition, OCC is filing a public version of the *Direct Testimony of Wilson Gonzalez* so that all information not claimed by the FirstEnergy to be confidential is accessible for the public's review. The public version does not contain information that was asserted by FirstEnergy to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

/s/ Melissa R. Yost

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion for Protective Order* by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via electronic mail this 31st day of January 2013.

/s/ Melissa R. Yost

Melissa R. Yost

Deputy Consumers' Counsel

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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Yost, Melissa Ms.