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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Ormet Primary Aluminum Corporation for Approval of a Unique Arrangement with Ohio Power Company	))))) Case No. 09-119-EL-AEC

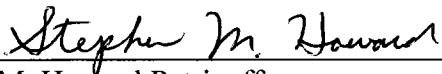<div align="center">

MOTION FOR PROTECTIVE ORDER

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Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, Ormet Primary

Aluminum Corporation ("Ormet") moves for a protective order to keep Exhibit MDT-5 to the

Direct Testimony of Mark D. Thompson submitted under seal confidential and not subject to

public disclosure. Exhibit MDT-5 contains information related to the Business Plan and Power

Plant Report. Ormet indicated in the June 14, 2013 Motion to Amend that this Business Plan

would demonstrate a sustainable energy price post-2015 from a newly constructed onsite power

plant which achieves power prices per MWh which will support the ongoing operation of the

Hannibal Facility. Ormet indicated that the Plan would be submitted under seal to the

Commission no later than thirty days following the June 14, 2013 filing. Ormet also indicated

that a Power Plant Report would follow.

The Business Plan and Power Plant Report contain information that is confidential and

proprietary in nature and constitutes a trade secret. Likewise, Exhibit MDT-5 contains

information that is confidential and proprietary in nature and constitutes a trade secret. The

specific facts supporting the designation of trade secret are presented in the accompanying

memorandum in support. As is required under Rule 4901-1-24 of the OAC, Ormet is filing three

unredacted copies of Exhibit MDT-5 under seal.

WHEREFORE, Ormet respectfully requests that the Commission grants its motion for protective order and maintain the confidentiality of Exhibit MDT-5 to the Testimony of Mark D. Thompson submitted under seal.

Respectfully submitted,

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In the Matter of the Application of Ormet))
Primary Aluminum Corporation for)) Case No. 09-119-EL-AEC
Approval of a Unique Arrangement with))
Ohio Power Company))

MEMORANDUM IN SUPPORT

In its June 14, 2013 Motion to Amend, Ormet indicated that it would submit to the

Commission a Business Plan which demonstrates a sustainable energy price post-2015 from a

newly constructed onsite power plant which achieves power prices per MWh which will support

the ongoing operation of the Hannibal Facility. Ormet indicated in paragraph 21e of its Motion

to Amend that this Business Plan would be submitted under seal to the Commission no later than

thirty days following the filing of the June 14, 2013 filing. This Business Plan contains

competitively sensitive and highly proprietary business information that constitutes trade secrets

under Ohio law and the Commission's Rules and warrants confidential treatment by the

Commission. Similarly, Ormet in paragraph 21f indicated that it would supply a Power Plant

Report indicating a description of the power plant, milestones to construction and pricing

information. Because Exhibit MDT-5 to the Testimony of Mark D. Thompson contains similar

information, the Commission should grant this Motion for a Protective Order.

Rule 4901-1-24(D) of the OAC gives the Commission and the Attorney Examiner the

specific power to order confidential treatment of information contained in documents filed with

the Commission's Docketing Division if: a) state of federal law prohibits the release of the

information, and b) non-disclosure of the information is consistent with the purposes of Title 49

of the Revised Code. Ohio law recognizes the need to protect trade secret information, like the information that is the subject of this motion. See Sections 4901.12 and 4905.07, Revised Code.

Section 1333.61(D)

> (D)   "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, copulation, program, device, method, technique or improvement, or any business information or plans, financial information or listing of names, addresses or telephone numbers that satisfy both of 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 factors considered under Ohio in analyzing a trade secret claim are 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 and 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. See State Ex. Rel. v. Plain Dealer v. Ohio Dep't of INS, 80 Ohio St. 3d 513, 524-525 (1997).

Business plans are specifically mentioned as constituting a "trade secret" in Section 1333.61(D), Revised Code. Business Plans are rarely released publicly by any business and have never been publicly released by Ormet. Likewise, the information contained in Exhibit MDT-5 could give Ormet's competitors in the aluminum industry significant insights into Ormet's operations. This information has independent economic value that Ormet 's competitors, who do
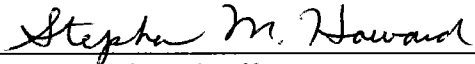
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not otherwise have access to this information, could use to give themselves a competitive advantage over Ormet. Absent access to Exhibit MDT-5, it would be impossible for Ormet's competitors to acquire and duplicate the information contained in Exhibit MDT-5.

The non-disclosure of the information will not impair the purposes of Title 49. The Commission and its Staff will have full access to Exhibit MDT-5 in order to fulfill its statutory obligations. No purpose of Title 49 would be served by the public disclosure of the information.

Like the Business Plan, Exhibit MDT-5 meets the requirements of confidential trade secret data because it would have independent economic value to Ormet's competitors who otherwise do not have access to it and Ormet has made reasonable efforts to keep it confidential. The Commission should grant Ormet's motion to treat Exhibit MDT-5 as confidential trade secret data.

WHEREFORE, Ormet respectfully requests that the Commission grant its motion for a protective order and to maintain the confidentiality of Exhibit MDT-5 which was submitted under seal in this case.
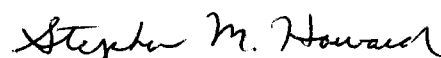
Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document has been served upon the persons below via electronic mail this 6th day of August, 2013.

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Summary: Motion Motion for Protective Order electronically filed by M HOWARD PETRICOFF on behalf of Ormet Primary Aluminum Corporation