

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of American)
Transmission Systems, Incorporated for a)
Certificate of Environmental Compatibility) Case No. 11-5855-EL-BSB
and Public Need for the Construction of the)
Black River Substation.)

In the Matter of the Application of American)
Transmission Systems, Incorporated for a)
Certificate of Environmental Compatibility) Case No. 11-5856-EL-BTX
and Public Need for the Construction of the)
Black River Transmission Line.)

ENTRY

The administrative law judge (ALJ) finds:

- (1) On December 22, 2011, Applicant, American Transmission Systems, Incorporated (ASTI), filed, in each of these two cases, a motion for protective order, seeking protective treatment for conditional diagrams containing load flow data, confidential business information, and critical energy infrastructure information (CEII). Those two motions were granted by the ALJ at the adjudicatory hearing held on February 13, 2011, based on a finding that the information in question constitutes trade secret information which meets the requirements for protective treatment established in Ohio Adm.Code 4906-7-07. On March 26, 2012, the Ohio Power Siting Board (Board) issued an Order, which, among other things, extended until September 26, 2013, the confidential treatment afforded under the ALJ's ruling in these two cases on February 13, 2011.
- (2) On March 13, 2014, ASTI filed, in each case, a motion by which it seeks to have the Board issue a protective order which would, in essence, continue without an expiration date the protective treatment that was originally granted in these two cases, by the ALJ's ruling made at the February 13, 2011 hearing. In support of these motions, ASTI submits that, since the time of the ALJ's initial ruling, nothing related to the confidentiality of the documents, which were the subject of the ruling, has changed and the documents remain trade secret and CEII entitled to protection from disclosure. No one filed in opposition to the motions.

- (3) Since the information contained in the documents constitutes CEII and nothing about the confidential nature of the involved documents has changed since the issuance of the Board's Order, the ALJ finds it appropriate to grant ASTI's March 13, 2014 motions, thereby extending the protective treatment that was granted earlier in these two cases. Because the confidential nature of the information constitutes CEII, the ALJ finds that it is entitled to protective treatment for an indefinite period, which will not expire unless and until the Board or the ALJ issues a ruling revoking or altering the protective status being approved of by this Entry.

It is, therefore,

ORDERED, That, in accordance with Finding (3), ASTI's March 13, 2014 motions for protective order filed in these two cases be granted for an indefinite period of time. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE OHIO POWER SITING BOARD

s/Daniel E. Fullin

By: Daniel E. Fullin
Administrative Law Judge

JRJ/sc

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in

Case No(s). 11-5855-EL-BSB, 11-5856-EL-BTX

Summary: Administrative Law Judge Entry granting motion for protective order. -
electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public
Utilities Commission of Ohio