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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of :
Brainard Gas Corporation for Approval : Case No. 14-0948-GA-AEC
of Five Transportation Agreements. :

MOTION FOR PROTECTIVE ORDER OF BRAINARD GAS CORPORATION

Pursuant to Ohio Administrative Code ("O.A.C.") Section 4901-1-24(D), Brainard Gas Corporation ("Brainard") respectfully moves for an order protecting from disclosure confidential, proprietary, and trade secret information contained in Brainard's Application for Approval of Five Transportation Agreements filed with the Public Utilities Commission of Ohio ("Commission") on May 27, 2014 (the "Application"). Consistent with the requirements of Section 4901-1-24(D) of the Commission's Rules, three unredacted copies of the Brainard transportation contracts that deviate from Brainard's Tariff (the "Special Arrangements") have been simultaneously filed under seal. The reasons underlying this motion are fully set forth in the attached Memorandum in Support.

Respectfully submitted,

[Handwritten signature]

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(D) Upon motion of any party or person with regard to the filing of a document with the commission's docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or an attorney examiner may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. Any order issued under this paragraph shall minimize the amount of information protected from public disclosure.

(emphasis added).

Ohio law recognizes the need to provide protective treatment to information such as the Confidential Documents. Under R.C. 1333.61(D), "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 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.

In accordance with the criteria set forth above, state law prohibits the release of the information for which protection is sought.

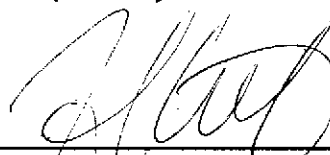
B. The Confidential Information Contained in the Special Arrangements are Trade Secrets.

The definition of "trade secret" clearly reflects the state policy favoring the

protection of trade secrets such as the special flexed down rates in the Special Arrangements. The specific information for which protection is sought is limited to the negotiated rates in the Special Arrangements. Such terms are routinely accorded protected status by the Commission based on its determination that competitively-sensitive information of this type constitutes a “trade secret, or other confidential research, development, (or) commercial information under Ohio law.” Rule 4901-1-24(A)(7), OAC. Indeed, the statutory definition of a “trade secret” includes “business information” that “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.” Section 1333.61(D), Revised Code. In a competitive environment, the price and price-related terms of natural gas transportation agreement clearly fall within this definition. Moreover, because the Commission and its staff will have full access to the information for which protection is requested, the Commission’s ability to perform its statutory obligations in connection with its review of Brainard’s Application will in no way be impaired by granting this motion, and no legitimate purpose would be served by public disclosure of the designated information. Finally, Brainard has limited the information for which it seeks protection so as to minimize the information that will not be publicly disclosed.

Wherefore, Brainard respectfully requests that the information that has been redacted from the public versions of the Special Arrangements included in Exhibit A to the Application be granted protected status and that the Commission grant its motion for a protective order.

Respectfully submitted,



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