

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio )	
Edison Company, The Cleveland Electric )	
Illuminating Company and The Toledo )	
Edison Company for Authority to Provide )	Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to R.C. )	
4928.143 in the Form of an Electric Security )	
Plan )	

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**MOTION FOR PROTECTIVE ORDER  
OF  
OHIO EDISON COMPANY  
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY  
THE TOLEDO EDISON COMPANY**

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Pursuant to O.A.C. 4901-1-24(D), Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the “Companies”) move for a protective order keeping confidential the following information of the Companies, which is contained and/or referenced in the testimony of the Companies’ witnesses and the exhibits and workpapers thereto, because the information is or may be deemed to be the confidential, proprietary, trade secret, and/or competitive business information of the Companies, an affiliate of the Companies and the Companies’ witnesses and consultants.

- Portions of Attachment GLC-1 to the Testimony of Gavin L. Cunningham;
- Attachments JJL 1-3 to the Testimony of Jason Lisowski;
- Portions of the Testimony and attachments to the Testimony of Judah L. Rose; and
- Portions of the workpapers of Jason Lisowski, Judah L. Rose and Steven E. Strah.

Accordingly, the Companies request that the Commission grant this Motion and protect from disclosure the confidential information. A Memorandum in Support of this Motion is attached hereto and incorporated herein by reference. Consistent with the requirements of O.A.C. 4901-1-24(D), unredacted copies of the confidential information which is the subject of this Motion have been filed under seal.

Respectfully submitted,

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ATTORNEYS FOR APPLICANTS  
OHIO EDISON COMPANY,  
THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY AND THE TOLEDO EDISON  
COMPANY

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**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

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Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the “Companies”) request that the Commission protect from public disclosure the information designated on Attachment A hereto as confidential, competitively-sensitive confidential and/or proprietary (along with any and all copies, including electronic copies). The designated information is contained in the testimony of the Companies’ witnesses and the exhibits and workpapers thereto. The Companies have made good faith efforts to limit the amount of information for which confidential treatment is sought.

Ohio law and the Commission’s rules provide for the protection of confidential and proprietary information. Specifically, O.A.C. 4901-1-24(A) provides the Commission may issue:

[A]ny order which is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Such a protective order may provide that: . . .  
(7) A trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way.

Pursuant to O.A.C. 4901-1-24(D), the Commission also may issue an order to protect the confidentiality of information contained in documents filed with the Commission to the extent that

state or federal law prohibits the release of the information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

Pursuant to R.C. § 1333.61(D), a “trade secret” is:

[A]ny 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. [And]

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Ohio law grants special protections to such trade secrets, including statutory causes of action for an injunction precluding the misappropriation of trade secrets. *See* R.C. § 1333.62. The Commission has recognized the statutory obligation to protect trade secrets, even in the context of its preference for open proceedings, and has previously carried out its obligations in this regard in numerous proceedings. *See In re: General Telephone Co.*, Case No. 81-383-TP-AIR (Entry, February 17, 1982) (recognizing necessity of protecting trade secrets); *See, e.g., Elyria Tel. Co.*, Case No. 89-965-TP-AEC (Finding and Order, September 21, 1989); *Ohio Bell Tel. Co.*, Case No. 89-718-TP-ATA (Finding and Order, May 31, 1989); *Columbia Gas of Ohio, Inc.*, Case No. 90-17-GA-GCR (Entry, August 17, 1990).

Here, the Companies are seeking to prevent disclosure of three categories of information. First, the information redacted in the Testimony of Gavin L. Cunningham identifies individual transmission circuits associated with operating electric generating plants. Transmission lines and sub-stations are critical infrastructure under the National Infrastructure Protection Plan, and maintaining the confidentiality of the relationships between this critical infrastructure and

operating electric generating plants is paramount to the region's security. This type of information is proprietary, confidential business information, is treated as proprietary and confidential by the Companies' employees, and is not publicly disclosed.

Second, the information redacted in Attachments to the Testimony of Jason Lisowski and in Mr. Lisowski's workpapers is the proprietary, confidential business information of FirstEnergy Solutions Corp. ("FES"). This information was provided to the Companies pursuant to a nondisclosure agreement solely for purposes of the proposed transaction underlying the Companies' Economic Stability Program. FES considers and has treated the information as a trade secret. In the ordinary course of business of FES, this information is treated as proprietary and confidential by FES employees. It is not disclosed to anyone without proper safeguards. Mr. Lisowski's attachments and workpapers include forecasted revenue, cost and revenue requirements data for specific generating plants. In part, the information reflects the output of proprietary modeling software. This information would be of great value to FES's competitors and would competitively disadvantage FES if publicly disclosed.

Lastly, the information redacted in the Testimony of Judah L. Rose, his Attachments II and III, his workpapers and the workpaper of Steven E. Strah, is the proprietary, confidential business information of ICF Resources Incorporated ("ICF"). Again, this information was provided to the Companies pursuant to a nondisclosure agreement solely for purposes of the proposed transaction underlying the Companies' Economic Stability Program. The ICF data includes forecasts of energy and capacity prices, as well as forecasts of natural gas, coal and CO<sub>2</sub> cap-and-trade prices, using ICF's proprietary models and databases. Maintaining the confidentiality of these forecasts and related data inputs is key to maintaining ICF's continuing value as power consultants to the U.S. government and private industry. ICF treats this information as a trade secret. In the ordinary

course of business of ICF, its employees treat this information as proprietary and confidential and do not disclose it without appropriate confidentiality agreements in place. Disclosure of such information would harm ICF by providing its competitors with information concerning ICF's proprietary models, forecasts and databases.

Attachment A to this Memorandum in Support lists the information which has been redacted from the associated filing and further describes why it should be granted protected status. For the foregoing reasons, the Companies request that the designated information be protected from public disclosure.

Respectfully submitted,

/s/ James W. Burk

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## Attachment A

### Testimony of Gavin L. Cunningham

Attachment GLC-1 – confidential and sensitive transmission infrastructure information.

### Testimony of Jason Lisowski

Attachments JLL-1, -2 and -3 – competitively-sensitive confidential business data, including revenue and cost forecasts for individual generating plants.

Lisowski workpapers – plant-specific forecasts of energy and capacity revenues and costs, with cost details by account.

### Testimony of Judah L. Rose

<i>page</i>	<i>line</i>	<i>Description</i>
5	11, 15, 17	Proprietary energy price forecast
6	9-14	Proprietary capacity price forecast
36	2-10, 13-14	Proprietary energy price forecast
38	18-19	Explanation of trend in proprietary capacity price forecast
40	7-11	Proprietary capacity price forecast
41	2-3	Proprietary capacity price forecast
42	6-14	Discussion of proprietary capacity price forecast and impact of demand response
46	16-17	Proprietary natural gas price forecast
47	9-13	Proprietary natural gas price forecast
48	11-12	Proprietary natural gas price forecast
49	3-15, 8-12	Discussion of proprietary natural gas price forecast compared to forwards
50	3-4	Proprietary natural gas price forecast
56	3-4	Proprietary CO <sub>2</sub> cap-and-trade price forecast
60	5-7	Proprietary coal price forecast
61	15-16, 19, 20-21	Proprietary energy price forecast
62	8-12	Proprietary capacity price forecast

Attachment JLR-2 – Proprietary energy price forecast

Attachment JLR-3 – Proprietary capacity price forecast

Testimony of Steven E. Strah

Strah workpapers – lines 4-6 of spreadsheet are forecasted energy and capacity prices from Attachments JLR-2 and JLR-3, identified above as ICF's proprietary energy and capacity forecasts.

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Motion for Protective Order electronically filed by Ms. Tamera J Singleton on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company