

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|-------------------------------------------------|-------------------------|
| Carbo Forge, Inc., Wyandot, Inc., Plaskolite,) | |
| Inc., American Trim, LLC, Whirlpool) | |
| Corporation, McWane, Inc., Navistar, Inc.,) | |
| Sauder Woodworking Company, McDonald) | |
| Steel Co., Henny Penny Corporation, Lima) | |
| Refining Company, Campbell Soup Supply) | |
| Company, LLC, Cooper Tire & Rubber) | |
| Company, Mantaline Corporation, Republic) | |
| Steel, Jay Industries, Inc., Sun Chemical) | Case No. 14-1610-EL-CSS |
| Corporation, and 3M Company,) | |
| Complainants,) | |
| v.) | |
| FirstEnergy Solutions Corp.,) | |
| Respondent.) | |

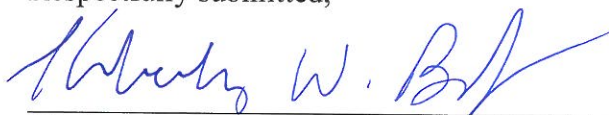
**MOTION FOR PROTECTIVE ORDER FILED BY
CARBO FORGE, INC., WYANDOT, INC., PLASKOLITE, INC.,
AMERICAN TRIM, LLC, WHIRLPOOL CORPORATION, MCWANE, INC.,
NAVISTAR, INC., SAUDER WOODWORKING COMPANY,
MCDONALD STEEL CORPORATION, HENNY PENNY CORPORATION,
LIMA REFINING COMPANY, CAMPBELL SOUP SUPPLY COMPANY, LLC,
COOPER TIRE & RUBBER COMPANY, MANTALINE CORPORATION,
REPUBLIC STEEL, JAY INDUSTRIES, INC., SUN CHEMICAL CORPORATION,
AND 3M COMPANY**

Carbo Forge, Inc., Wyandot, Inc., Plaskolite, Inc., American Trim, LLC, Whirlpool Corporation, McWane, Inc., Navistar, Inc., Sauder Woodworking Co., McDonald Steel Corporation, Henny Penny Corporation, Lima Refining Company, Campbell Soup Supply Company, LLC, Cooper Tire & Rubber Company, Mantaline Corporation, Republic Steel, Jay Industries, Inc., Sun Chemical Corporation, and 3M Company (collectively, Complainants), by and through counsel, hereby move for a protective order pursuant to Rule 4901-1-24, Ohio

Administrative Code (O.A.C.), to keep Exhibits B and E attached to their complaint, filed simultaneously in the above-captioned matter (Complaint) against FirstEnergy Solutions (FES) confidential in their entirety, and to keep certain portions of the Complaint and Exhibit F confidential, and not part of the public record. The basis for this Motion is set forth in the accompanying Memorandum in Support. Consistent with the requirements of Rule 4901-1-24, O.A.C., three unredacted copies of the Exhibits and Complaint for which the Complainants seek protection are submitted under seal.

WHEREFORE, Complainants respectfully request that their Motion for Protective Order seeking confidential treatment of Exhibits B and E attached to the Complaint, and specific portions of the Complaint and Exhibit F, be granted.

Respectfully submitted,



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Counsel for Complainants

MEMORANDUM IN SUPPORT

Complainants respectfully request for the Public Utilities Commission of Ohio (Commission) to designate as confidential and protect from public disclosure Exhibits B and E attached to the Complaint in their entirety, and certain portions of the Complaint and Exhibit F attached to the Complaint. If released to the public, the information in the Exhibits and the Complaint would harm Complainants and FES (collectively, the Parties), as it would provide the Parties' competitors with sensitive, proprietary information which is not generally disseminated or available to the public.

Rule 4901-1-24(D), O.A.C., permits an attorney examiner to issue an order to protect the confidentiality of information contained in a document filed at the Commission "to the extent that state or federal law prohibits release of the information, including where the information is deemed to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code."

Section 1333.61(D), Revised Code, defines a trade secret as information which "(1) 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) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy." Further, Section 149.43, Revised Code, states that the term "public records" excludes information which, under state or federal law, may not be released. The Supreme Court of Ohio has opined that this "state or federal law" exemption is intended to cover trade secrets. *State ex rel. Besser v. Ohio State* (2000), 89 Ohio St.3d 396, 399, 2000-Ohio-475. Moreover, in *State ex rel. The Plain Dealer v. Ohio Dept. of Insurance*, the Supreme Court of Ohio adopted the following six factor test to determine whether information constitutes a "trade secret" under Section 1333.61, Revised Code:

- (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 or money expended in obtaining and developing the information;
- (6) the amount of time and expense it would take for others to acquire and duplicate the information.

State ex rel. The Plain Dealer v. Ohio Dept. of Ins. (1997), 80 Ohio St.3d 513, 524-25, 87 N.E.2d 661.

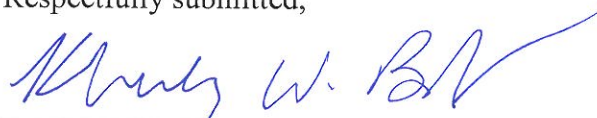
Applying these factors to the information contained in the Exhibits and the Complaint that Complainants seek to protect, the Commission should grant Complainants' motion in its entirety. Exhibit B covers contracts between each Complainant and FES, which include Fixed Price Pricing Attachments and Customer Supply Agreements (collectively, Contracts). The Contracts contain competitively sensitive information of each Complainant and FES and, pursuant to their own terms, are confidential between the parties. Exhibit E includes the invoices of FES and the Ohio electric distribution utilities by which FES has assessed Complainants the RTO Expense Surcharge. The invoices in Exhibit E are replete with competitively sensitive information. The competitively sensitive information included in the Contracts and the invoices is not widely known outside the business of each Complainant, respectively, or outside of FES, and further, is not known by those inside Complainants' businesses who are employed in capacities other than those that encompass energy and financial services. Information of the nature contained in Exhibits B and E is not generally disclosed, as such disclosure would give competitors an advantage that could damage Complainants' or FES' abilities to compete in their respective markets.

Moreover, the information that has been specifically redacted from the Complaint and Exhibit F is competitively sensitive information that appears correspondingly in either Exhibits B or E, which are described above. Complainants have redacted only those portions of the Complaint and Exhibit F that are competitively sensitive and therefore confidential. Confidential treatment of the information contained in the Exhibits B and E, and, by extension, the redacted portions of the Complaint and Exhibit F is not inconsistent with the purposes of Title 49 of the Revised Code.

In light of the nature of the information for which Complainants seek confidential treatment and the competitive advantage which disclosure of the confidential information contained in the Exhibits and the Complaint may provide to competitors of Complainants and FES, the Commission should grant Complainants' motion for a protective order.

WHEREFORE, Complainants respectfully request that Commission grant their motion for a protective order covering Exhibits B and E in their entirety, and certain designated portions of the Complaint and Exhibit F.

Respectfully submitted,



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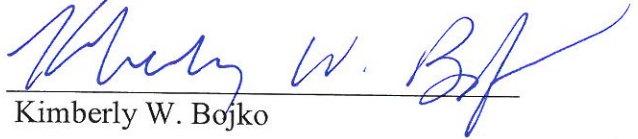
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 12th day of September, 2014 by electronic mail upon the persons listed below.



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Summary: Motion for Protective Order electronically filed by Ms. Rebecca L Hussey on behalf of Carbo Forge, Inc., et al.