

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter Of The Application Of Duke	)	
Energy Ohio, Inc. For Authority To Establish	)	
A Standard Service Offer Pursuant To Section	)	Case No. 14-841-EL-SSO
4928.143 Revised Code, In The Form Of An	)	
Electric Security Plan, Accounting Modifications	)	
And Tariffs For Generation Service	)	
	)	
In The Matter Of The Application Of Duke	)	
Energy Ohio, Inc. For Authority To Amend	)	Case No. 14-842-EL-ATA
Its Certified Supplier Tariff, P.U.C.O. No. 20	)	

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**MOTION FOR PROTECTIVE ORDER  
BY  
SIERRA CLUB FOR ITS INITIAL BRIEF**

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Sierra Club hereby moves the Public Utilities Commission of Ohio (“PUCO”) for a protective order regarding information asserted to be confidential and highly confidential by Duke Energy of Ohio (“Duke” or “Company”) and the Ohio Valley Electric Corporation (“OVEC”). As part of discovery in this proceeding, Duke and OVEC provided information to certain parties, subject to various protective agreements, and Duke and OVEC assert that certain information constitutes trade secret information under Ohio law.

Sierra Club hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of Sierra Club’s Initial Brief that are asserted to be confidential or highly confidential by the Company or by OVEC. Subject to Sierra Club’s rights under the protective agreements, the Sierra Club is filing its Initial Brief under seal, and is also

filing a public version that shows all information not claimed by Duke or OVEC to be confidential.

By filing the instant Motion, Sierra Club does not concede that the information constitutes trade secret, highly confidential, or confidential information. However, Sierra Club acknowledges that this information was obtained pursuant to a protective agreement with Duke or with OVEC that provides for such information to be treated as confidential and protected (subject to the Sierra Club's rights under the protective agreement to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law).

The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

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**MEMORANDUM IN SUPPORT**

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The Sierra Club files this Motion for Protective Order (“Motion”) contemporaneously with the filing of its Initial Brief in this proceeding. By filing this Motion, Sierra Club does not concede that the information in the document is in fact trade secret information pursuant to R.C. 1333.61(D) and, further, does not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

Sierra Club understands that Duke or OVEC considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). Sierra Club’s understanding is based on claims by Duke that the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *See* R.C. 1333.61(D). Under the assertions made by the Company and OVEC at this time, confidential treatment of the redacted information in Sierra Club’s testimony would be

appropriate, subject to the Sierra Club's rights under their protective agreements with Duke and OVEC to initiate a process to determine whether the information should be protected.

In addition, Sierra Club is filing a public version (redacted) of its Initial Brief so that all information not claimed by Duke to be confidential is accessible for the public's review. The public version does not contain information that was asserted by Duke or OVEC to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,

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**Attorneys for Sierra Club**

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion for Protective Order* by Sierra Club has been served upon those persons listed below via electronic mail this 15th day of December 2014.

/s/ Christopher J. Allwein

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Summary: Motion for a Protective Order electronically filed by Mr. Christopher J. Allwein on behalf of SIERRA CLUB