

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Orwell

Natural Gas Company,)

)

v.)

Case No. 14-1654-GA-CSS

)

Case No. 15-0637-GA-CSS

Orwell-Trumbull Pipeline Company,)

LLC,)

)

**MOTION FOR PROTECTIVE ORDER
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential and/or competitively sensitive by Orwell Natural Gas Company, ("Orwell" or the "Utility").¹

As part of discovery in this proceeding, Orwell provided information to OCC, subject to a protective agreement, and Orwell asserts that this information is confidential and/or competitively sensitive under Ohio law. The deposition of Richard M. Osborne discusses and cites to discovery responses that are deemed by the Utilities to be subject to the protective agreement. OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect portions of the deposition of Richard M. Osborne that contain information that is asserted to be confidential and/or competitively sensitive by Orwell. Subject to OCC's rights under the

¹ This Motion is filed pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D).

protective agreement, OCC is filing a portion of the deposition of Richard M. Osborne under seal.

By filing the instant Motion, OCC does not concede that the information is confidential and/or competitively sensitive. However, OCC acknowledges that it has obtained this information pursuant to a protective agreement with Orwell. That protective agreement provides for such information to be treated as confidential and/or competitively sensitive and protected (subject to OCC's right 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.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Ajay Kumar

Joseph P. Serio (0036959)
Counsel of Record
Assistant Consumers' Counsel
Ajay Kumar (0092208)
Staff Attorney

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Serio Phone: (614) 466-9565
Kumar Phone: (614) 466-1292
Joseph.serio@occ.ohio.gov
(will accept service via email)
Ajay.kumar@occ.ohio.gov
(will accept service via email)

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MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of a portion of the deposition of Richard M. Osborne under seal. OCC understands that Orwell considers some of the undisclosed information to be confidential and/or competitively sensitive and deserving of protection under Ohio law. OCC’s understanding is based on claims by Orwell that some of 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).

In filing this Motion, OCC does not concede that any of the information in the deposition of Richard M. Osborne is trade secret information pursuant to R.C. 1333.61(D). Nor does OCC concede that any of the information is deserving of protection from public disclosure under Ohio Adm. Code 4901-1-24(D). Under the assertions made by Orwell, at this time, confidential treatment of some of the information contained in the deposition of Richard M. Osborne could be appropriate, subject to

OCC's rights under its protective agreement with Orwell to initiate a process to determine whether the information should be protected.

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

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Ajay Kumar

Joseph P. Serio (0036959)
Counsel of Record
Assistant Consumers' Counsel
Ajay Kumar (0092208)
Staff Attorney

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Serio Phone: (614) 466-9565
Kumar Phone: (614) 466-1292

Joseph.serio@occ.ohio.gov

(will accept service via email)

Ajay.kumar@occ.ohio.gov

(will accept service via email)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order* by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via electronic service this 27th day of October, 2015.

/s/ Ajay Kumar
Ajay Kumar
Staff Attorney

SERVICE LIST

Werner Margard
Katie Johnson
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215
Werner.margard@puc.state.oh.us
Katie.johnson@puc.state.oh.us

Gina M. Piacentino
The Weldele & Piacentino Law Group
88 East Broad Street, Suite 1560
Columbus, Ohio 43215
gpiacentino@wp-lawgroup.com

Mark S. Yurick
Devin D. Parram
Taft, Stettinius & Hollister LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
myurick@taftlaw.com
dparram@taftlaw.com

Michael D. Dortch
Richard R. Parsons
Kravitz, Brown & Dortch LLC
65 East State Street, Suite 200
Columbus, Ohio 43215
mdortch@kravitzllc.com
rparsons@kravitzllc.com

William T. Wuliger
1340 Summer Ave.
Cleveland, Ohio 44115
wtwuliger@wtwuligerlaw.com

Attorney Examiner:
Scott Farkas
scott.farkas@puc.state.oh.us

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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Mr. Ajay K. Kumar