

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
North Coast Gas Transmission LLC)	Case No. 11-5533-PL-AEC
for Approval of Natural Gas Transportation)	
Agreements)	

In the Matter of the Application of)	
North Coast Gas Transmission LLC for)	Case No. 08-1164-PL-AEC
Approval of Two New Contracts and)	
Amendments to Four Existing Contracts)	

In the Matter of the Application of)	
North Coast Gas Transmission LLC for)	Case No. 07-1172-PL-AEC
Approval of One New Contract and an)	
Amendment to One Existing Contract)	

MOTION TO EXTEND PROTECTIVE ORDERS

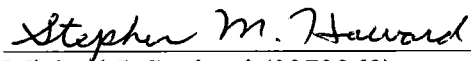
North Coast Gas Transmission LLC (“North Coast”) moves to extend the protective orders in each of the above captioned cases for two years, through November 24, 2017. Each case has very similar reasons justifying the extension of the protective orders – namely, that the price, volume and shrinkage factor still meet the standard of being a trade secret, that the contracting party had requested confidentiality for these items, that the information that is protected has still not yet been released to the public and that the disclosure of the information would provide an undue advantage to potential shippers of North Coast and to competitors of North Coast.

Although it did not file a motion to extend the protective treatment forty-five days before the expiration of the eighteen month period, North Coast submits that this motion to extend protective treatment in these three cases is warranted. North Coast submits that the protected information in all three cases is still a trade secret, has not yet been released to the public and that

good cause exists for extending protective treatment in all three cases. Release of the confidential information to the public record would disclose information (shrinkage, pricing and volumes) that North Coast does not disclose to third parties. If disclosed, North Coast's competitors would receive an advantage. Accordingly, the information should remain confidential as more fully set forth in the attached Memorandum in Support.

WHEREFORE, North Coast Gas Transmission LLC respectfully moves that the Commission extend for at least two years the confidential treatment for all protected material in these three cases.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF
MOTION TO EXTEND PROTECTIVE ORDERS**

Through this motion, North Coast Gas Transmission LLC seeks to continue the protective treatment of pricing, volume and shrinkage factors for contracts previously approved by the Commission. Specifically, North Coast filed applications in Case Nos. 11-5533-PL-AEC, 08-1164-PL-AEC and 07-1172-PL-AEC along with motions seeking protective treatment in each of these three cases for price, volume and shrinkage factors. The Commission granted North Coast's motions for protective orders for eighteen months, and stated that if North Coast wished to extend this confidential treatment, it should file an appropriate motion to extend the protective orders. North Coast did not file a motion to extend forty-five days before the close of the eighteen month periods; however, it now seeks to extend the protective treatment because of recent activity that indicates competitors seek this information.

In Case No. 11-5533-PL-AEC, North Coast seeks to keep five sets of attachments (Attachments A-E) to its 2011 application for approval of five contracts confidential and not part of the public record. On October 24, 2011, North Coast filed an application in Case No. 11-5533-PL-AEC, seeking approval of five contracts. North Coast also filed a motion for protective order seeking confidential treatment of those portions of the contracts and/or amendments pertaining to price, volume and shrinkage factor information contained in excerpts to Attachments A-E submitted in this case. North Coast alleged that confidential treatment was warranted given the competitive situation existing for these customers. In support of its motion, North Coast asserted that public disclosure of the price, volumes, and shrinkage factor would impair its ability to respond to competitive opportunities in the marketplace. The contracting parties have requested confidentiality for these three items. North Coast explained that in the

ordinary course of its business, this information is treated as confidential and is not disclosed. The Commission granted confidential treatment for a period of 18 months.

In Case No. 08-1164-PL-AEC, North Coast seeks to extend the protection for the same type of information. North Coast filed an application on October 15, 2008 seeking approval of two new agreements and modifying four existing agreements. It also filed a motion for protective order seeking confidential treatment of those portions of the contracts and/or amendments pertaining to price, volume and shrinkage factor information. North Coast alleged that the confidential treatment was warranted given the competitive situation existing for these customers. In support of its motion, North Coast asserted that the public disclosure of the price, volumes and shrinkage factor would impair its ability to respond to competitive opportunities in the marketplace. The contracting parties requested confidentiality of these three items. North Coast explained that in the ordinary course of its business, this information is treated as confidential and is not disclosed. The Commission granted confidential treatment for a period of eighteen months.

In Case No. 07-1172-PL-AEC, North Coast seeks to extend the protective order for the price, volume and shrinkage factor information. North Coast filed an application on November 8, 2007 seeking approval of a new agreement and seeking to modify an existing agreement. North Coast also filed a motion for protective order seeking confidential treatment of those portions of the contract and/or amendment pertaining to price, volume and shrinkage factor information. North Coast alleged that the confidential treatment was warranted given the competitive situation existing for this customer. In support of its motion, North Coast asserted that public disclosure of the price, volumes and shrinkage factor would impair its ability to respond to competitive opportunities in the marketplace. The contracting party had requested confidentiality for these three items. North Coast explained that in the ordinary course of its

business, its information is treated as confidential and is not disclosed. The Commission granted confidential treatment for a period of eighteen months.

North Coast submits that there are reasons constituting good cause why this motion to extend protective treatment should be granted. In its December 7, 2011 Finding and Order in Case No. 11-5533-PL-AEC, the Commission referenced the six factor test the Ohio Supreme Court has used in determining whether information is a trade secret. See State Ex Rel The Plain Dealer v Ohio Dept. of Ins. (1997) 80 Ohio St. 3d 513, 524-525. Those six factors include:

- (a) The extent to which the information is known outside the business;
- (b) The extent to which it is known to those inside the business, i.e. by the employees;
- (c) The precautions taken by the holder of the trade secret to guard the secrecy of the information;
- (d) The savings affected and the value to the holder in having the information as against competitors;
- (e) The amount of effort or money expended in obtaining and developing the information;
- (f) The amount of time and expense it would take for others to acquire and duplicate the information.

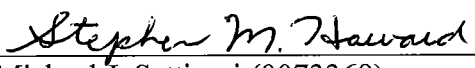
Despite the passage of several years, applying these factors today produces the same conclusion that the pricing, volume and shrinkage factor information still constitutes trade secret information. The contracting parties in each of these cases had requested that the price, volume and shrinkage factor information be kept confidential. The price, volume and shrinkage factor information is still not known outside the business and is still only known to a few employees. North Coast still takes precautions to guard the secrecy of this information. The information would have value to a competitor (if released) because the competitor would have access to North Coast's shrinkage factors, pricing strategies and contractual volumes. Likewise, if a potential new shipper possessed this information and was in the process of negotiating a contract with North Coast, such information would place North Coast in a disadvantageous position when

it came to negotiations. Without this information, shippers and competitors would not have an undue advantage over North Coast. Moreover, allowing a competitive market to develop by preventing undue advantages is consistent with the policy of Ohio. Thus, even though many months have passed since the date the protective treatment was granted, this pricing, volume and shrinkage factor information should still be protected as a trade secret.

There is another reason why the Commission or the Attorney Examiner should extend protective treatment for this pricing, volume and shrinkage factor information. Recently, the Commission adopted Rule 4901:1-24-08(A) and 4901:1-27-08(A) of the Ohio Administrative Code, finding that protective orders can be automatically granted for six years. The Commission's recognition for a longer protection period justifies this motion by North Coast.

For the foregoing reasons, North Coast Gas Transmission LLC submits that good cause exists for extending for two years the protective treatment previously granted in all three cases and respectfully requests that the Commission or an Attorney Examiner extend the protective orders by two years with respect to all three cases.

Respectfully submitted,

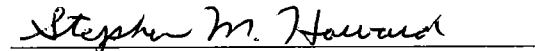


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Extend Protective Orders was served via electronic mail this 24th day of November, 2015 upon William L. Wright, Assistant Attorney General, Chief, Public Utilities Section, 180 E. Broad St., 6th Floor, Columbus, Ohio 43215, william.wright@puco.state.oh.us.



Stephen M. Howard

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Case No(s). 11-5533-PL-AEC, 07-1172-PL-AEC, 08-1164-PL-AEC

Summary: Motion Motion to Extend Protective Orders electronically filed by Mr. Stephen M Howard on behalf of North Coast Gas Transmission, LLC