

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**JOINT MOTION FOR PROTECTIVE ORDER
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL
AND
NORTHEAST OHIO PUBLIC ENERGY COUNCIL**

The Office of the Ohio Consumers' Counsel ("OCC") and the Northeast Ohio Energy Council ("NOPEC") hereby move the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential and/or competitively sensitive by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy" or "the Utilities").¹

As part of discovery in this proceeding, FirstEnergy provided information to OCC/NOPEC, subject to a protective agreement, and FirstEnergy asserts that this information constitutes trade secret information under Ohio law. The direct testimony of OCC/NOPEC witness James F. Wilson discusses and cites to discovery responses that are deemed by the Utilities to be subject to the protective agreement. OCC/NOPEC

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

hereby request that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect portions of the Second Supplemental Direct Testimony of James F. Wilson that contains information that is asserted to be confidential and/or competitively sensitive by FirstEnergy. Subject to OCC's/NOPEC's rights under the protective agreement, OCC/NOPEC are filing a portion of the Second Supplemental Direct Testimony of James F. Wilson under seal.

By filing the instant Motion, OCC/NOPEC do not concede that the information constitutes trade secret information. However, OCC/NOPEC acknowledge that they have obtained this information pursuant to a protective agreement with FirstEnergy. That protective agreement provides for such information to be treated as confidential and/or competitively sensitive and protected (subject to OCC's/NOPEC's right to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law).

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

Respectfully submitted,

BRUCE J. WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Larry S. Sauer

Larry S. Sauer, (0039223),
Counsel of Record
Maureen R. Willis (0020847)
William J. Michael (0070921)
Kevin F. Moore (0089228)
Ajay Kumar (0092208)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone [Sauer]: (614) 466-1312
Telephone [Willis]: (614) 466-9567
Telephone [Michael]: (614) 466-1291
Telephone [Moore]: (614) 387-2965
Telephone [Kumar]: (614) 466-1292
larry.sauer@occ.ohio.gov
maureen.willis@occ.ohio.gov
William.michael@occ.ohio.gov
Kevin.moore@occ.ohio.gov
Ajay.kumar@occ.ohio.gov
(All Attorneys Will Accept Service Via
Email)

Dane Stinson (Reg. No. 0019101)
Counsel of Record
Dylan Borchers (Reg. No. 0090690)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (Stinson) (614) 227-4854
Telephone: (Borchers) (614) 227-4914
Facsimile: (614) 227-2390
dstinson@bricker.com
dborchers@bricker.com

*Counsel for the Northeast Ohio Public
Energy Council*

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MEMORANDUM IN SUPPORT

OCC/NOPEC file this Joint Motion for Protective Order (“Motion”) contemporaneously with the filing of a portion of the Second Supplemental Direct Testimony of OCC/NOPEC witness James F. Wilson under seal. OCC/NOPEC understand that FirstEnergy considers some of the undisclosed information to be confidential and/or competitively sensitive and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC’s/NOPEC’s understanding is based on claims by FirstEnergy 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 Joint Motion, OCC/NOPEC do not concede that any of the information in the Second Supplemental Direct Testimony of OCC/NOPEC James F. Wilson is trade secret information pursuant to R.C. 1333.61(D). Nor does OCC/NOPEC 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 FirstEnergy, at this

time, confidential treatment of some of the information contained in the Second Supplemental Direct Testimony of James F. Wilson could be appropriate, subject to OCC's/NOPEC's rights under its protective agreement with FirstEnergy 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 Joint Motion should be granted at this time.

Respectfully submitted,

BRUCE J. WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ Larry S. Sauer

Larry S. Sauer, (0039223),
Counsel of Record
Maureen R. Willis (0020847)
William J. Michael (0070921)
Kevin F. Moore (0089228)
Ajay Kumar (0092208)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone [Sauer]: (614) 466-1312
Telephone [Willis]: (614) 466-9567
Telephone [Michael]: (614) 466-1291
Telephone [Moore]: (614) 387-2965
Telephone [Kumar]: (614) 466-1292
larry.sauer@occ.ohio.gov
maureen.willis@occ.ohio.gov
William.michael@occ.ohio.gov
Kevin.moore@occ.ohio.gov
Ajay.kumar@occ.ohio.gov
(All Attorneys Will Accept Service Via Email)

Dane Stinson (Reg. No. 0019101)
Counsel of Record
Dylan Borchers (Reg. No. 0090690)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (Stinson) (614) 227-4854
Telephone: (Borchers) (614) 227-4914
Facsimile: (614) 227-2390
dstinson@bricker.com
dborchers@bricker.com

*Counsel for the Northeast Ohio Public
Energy Council*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joint Motion for Protective Order* by the Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council has been served upon those persons listed below via electronic service this 30th day of December 2015.

/s/ Larry S. Sauer
Larry S. Sauer
Deputy Consumers' Counsel

SERVICE LIST

Thomas.mcnamee@puc.state.oh.us
Thomas.lindgren@puc.state.oh.us
Steven.beeler@puc.state.oh.us
mkurtz@BKLlawfirm.com
kboehm@BKLlawfirm.com
jkylercohn@BKLlawfirm.com
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com
Jennifer.spinosi@directenergy.com
ghull@eckertseamans.com
myurick@taftlaw.com
dparram@taftlaw.com
Schmidt@sppgrp.com
ricks@ohanet.org
tobrien@bricker.com
mkl@smxblaw.com
gas@smxblaw.com
wttplmc@aol.com
lhawrot@spilmanlaw.com
dwilliamson@spilmanlaw.com
blanghenry@city.cleveland.oh.us
hmadorsky@city.cleveland.oh.us
kryan@city.cleveland.oh.us
mdortch@kravitzllc.com
rparsons@kravitzllc.com
gkrassen@bricker.com
dstinson@bricker.com
dborchers@bricker.com
DFolk@akronohio.gov
mkimbrough@keglerbrown.com

burkj@firstenergycorp.com
cdunn@firstenergycorp.com
jang@calfee.com
talexander@calfee.com
dakutik@jonesday.com
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
cmooney@ohiopartners.org
callwein@wamenergylaw.com
joliker@igsenergy.com
mswhite@igsenergy.com
Bojko@carpenterlipps.com
ghiloni@carpenterlipps.com
barthroyer@aol.com
athompson@taftlaw.com
Christopher.miller@icemiller.com
Gregory.dunn@icemiller.com
Jeremy.grayem@icemiller.com
blanghenry@city.cleveland.oh.us
hmadorsky@city.cleveland.oh.us
kryan@city.cleveland.oh.us
tdougherty@theOEC.org
jfinnigan@edf.org
Marilyn@wflawfirm.com
todonnell@dickinsonwright.com
matt@matthewcoxlaw.com
mfleisher@elpc.org
drinebolt@ohiopartners.org
meissnerjoseph@yahoo.com
LeslieKovacik@toledo.oh.gov

sechler@carpenterlipps.com
gpoulos@enernoc.com
toddm@wamenergyllaw.com
dwoff@crowell.com
rlehfeldt@crowell.com
rkelter@elpc.org

Attorney Examiners:

Gregory.price@puc.state.oh.us
Mandy.willey@puc.state.oh.us
Megan.addison@puc.state.oh.us

trhayslaw@gmail.com
Jeffrey.mayes@monitoringanalytics.com
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com
msoules@earthjustice.org
sfisk@earthjustice.org

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Summary: Motion Joint Motion for Protective Order by the Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council electronically filed by Ms. Deb J. Bingham on behalf of Sauer, Larry S.