

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MOTION FOR PROTECTIVE ORDER
OF
OHIO EDISON COMPANY
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
THE TOLEDO EDISON COMPANY**

Pursuant to O.A.C. 4901-1-24(D), Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the “Companies”) move for a protective order maintaining the confidentiality of cost and revenue projections contained in Attachments JIL-1, JIL-2 and JIL-3 to the Direct Testimony of Jason Lisowski. By entry dated December 1, 2014 (“Dec. 1, 2014 Entry”), the Attorney Examiners prohibited disclosure of the information in these attachments because it is trade secret information.¹ However, PJM Power Providers Group and Electric Power Supply Association (“P3/EPISA”) have advised the Companies that they intend to put into the public record at the upcoming hearing plant-specific cost and revenue data from Attachments JIL-1, 2 and 3. Given that any such action on P3/EPISA’s part would violate the Attorney Examiners’ Dec. 1, 2014 Entry as well as Ohio trade secrets law, the Companies respectfully request that the Attorney Examiners reaffirm their

¹ Case No. 14-1297-EL-SSO, Entry at pp. 10-11 (Dec. 1, 2014).

previous decision that all information contained in Attachments JJJ-1, JJJ-2 and JJJ-3 is trade secret information.

As the Attorney Examiners determined in the Dec. 1, 2014 Entry, the plant-specific forecasts in Attachments JJJ-1, JJJ-2 and JJJ-3 are so highly sensitive and confidential that they must be maintained under seal for a period of sixty months from the date of that entry (as opposed to the standard twenty-four months provided by Commission rule).² These plant-specific forecasts were admitted into the record in this proceeding on September 14, 2015, as confidential exhibits to Company witness Lisowski's testimony with no objection made at that time concerning their confidential designation.³

P3/EPISA now wishes to have the total revenue and total cost/return lines from Mr. Lisowski's JJJ-1, 2 and 3, by plant, added to the public record. Importantly, FirstEnergy Solutions Corp. ("FES") consistently has distinguished in this proceeding its plant-specific data in Mr. Lisowski's attachments, which is highly confidential, from the aggregate data in Mr. Ruberto's Attachment JAR-1. Mr. Ruberto's attachment does not provide competitors with data from which plant-specific cost and revenue information can be calculated. In contrast, the plant-specific information contained in Attachments JJJ-1, JJJ-2 and JJJ-3 is highly competitively sensitive in nature and proprietary to FES. Access to this information by a competitor – such as the companies represented by P3/EPISA – would provide a window into FES's forward-looking business plans related to the specific generation assets involved and would give those competitors a competitive advantage. FES has at all times safeguarded the plant-specific cost and revenue information detailed in Attachments JJJ-1, JJJ-2 and JJJ-3, and access to this information is restricted and not publicly available. The information is not disclosed to anyone

² *Id.* at p. 12.

³ Hearing Tr. Vol. X at 2167-68 (admitting Company Exhibits 22 and 24).

without proper safeguards. In part, the information reflects the output of proprietary modeling software. The only interveners who have had access to this information have executed appropriate protective agreements, and the information has not otherwise been publicly disclosed. FES has thereby made reasonable efforts to maintain its secrecy. Thus, this information continues to be entitled to protection as a trade secret under Ohio law.

Accordingly, the Companies request that the Commission grant this Motion and protect against P3/EPISA's threats the disclosure of the trade secrets in Attachments JLL-1, JLL-2 and JLL-3.

Respectfully submitted,

/s/ James F. Lang

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ATTORNEYS FOR APPLICANTS, OHIO
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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 11th day of January, 2016. The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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/s/ James F. Lang
An Attorney for the Companies

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Case No(s). 14-1297-EL-SSO

Summary: Motion for Protective Order electronically filed by Mr. James F Lang on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company