

**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 for a Standard        )  
Service Offer Pursuant to R.C.            )  
4928.143 in the Form of an Electric        )  
Security Plan.                                    )

Case No. 14-1297-EL-SSO

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

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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 Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy" or "the Utilities").<sup>1</sup>

As part of discovery in this proceeding, FirstEnergy provided information to OCC, subject to a protective agreement, and FirstEnergy asserts that this information is confidential and/or competitively sensitive under Ohio law. The rehearing direct testimony of OCC witnesses James Wilson discusses and cites to discovery responses that are deemed by the Utilities to be subject to the protective agreement.

OCC 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 rehearing direct

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

testimony of James Wilson that contain information that is asserted to be confidential and/or competitively sensitive by FirstEnergy. Subject to OCC's rights under the protective agreement, OCC is filing a portion of the rehearing direct testimony of James Wilson 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 FirstEnergy. 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,

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OHIO CONSUMERS' COUNSEL

*/s/ Maureen R. Willis*

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**MEMORANDUM IN SUPPORT**

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OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of the rehearing direct testimony of OCC witness James Wilson under seal. OCC understands that FirstEnergy 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 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 Motion, OCC does not concede that any of the information in the rehearing direct testimony of OCC witness James Wilson 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 FirstEnergy, at this time, confidential treatment of some of the information contained in the rehearing direct testimony of James Wilson could be

appropriate, subject to OCC'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 Motion should be granted at this time.

Respectfully submitted,

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## **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 22<sup>nd</sup> day of June 2016.

/s/ Maureen R. Willis  
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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 Willis, Maureen R Mrs.