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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

In the Matter of the Application of Ohio :
Edison Company, The Cleveland Electric :
Company, and the Toledo Ohio Edison : Case No. 16-0743-EL-POR
Company for Approval of Their Energy :
Efficiency and Peak Demand Reduction :
Program Portfolio Plans for 2017 :
through 2019 :

**MOTION FOR A PROTECTIVE ORDER
BY
NATURAL RESOURCES DEFENSE COUNCIL**

Natural Resources Defense Council ("NRDC"), pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D), 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 Companies").

As part of discovery in this proceeding, FirstEnergy provided information to NRDC subject to a protective agreement, and FirstEnergy asserts that this information is confidential and/or competitively sensitive under Ohio law. Testimony by NRDC's witness, Chris Neme, discusses information that is deemed by the Companies to be subject to the protective agreement. NRDC 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 direct testimony of Chris Neme that contains information that is asserted to be confidential and/or competitively sensitive by FirstEnergy.

Subject to NRDC's rights under the protective agreement, NRDC is filing a portion of Chris Neme's direct testimony under seal.

By filing this Motion, NRDC does not concede that the information is confidential and/or competitively sensitive. However, NRDC acknowledges that it has obtained this information under 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 NRDC'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,

/s/ Robert Dove

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Company, and the Toledo Ohio Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2017 through 2019	:	
	:	Case No. 16-0743-EL-POR
	:	
	:	

MEMORANDUM IN SUPPORT

NRDC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of Chris Neme's direct testimony under seal. NRDC understands that FirstEnergy considers some of the undisclosed information to be confidential and/or competitively sensitive and deserving of protection under Ohio law. NRDC’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, NRDC does not concede that any of the information in Chris Neme's direct testimony is trade secret information under R.C. 1333.61(D). Nor does NRDC 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 Chris Neme's direct testimony could be

appropriate, subject to NRDC'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,

/s/ Robert Dove

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for a Protective Order and Memorandum in Support have been served via electronic mail upon the following counsel of record, this 13th day of September, 2016:

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