

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 16-395-EL-SSO
Approval of Its Electric Security Plan)	
)	
In the Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 16-396-EL-ATA
Approval of Revised Tariffs)	
)	
In the Matter of the Application of The)	
Dayton Power and Light Company for)	Case No. 16-397-EL-AAM
Approval of Certain Accounting Authority)	
Pursuant to Ohio Rev. Code § 4905.13)	

MOTION FOR PROTECTIVE ORDER

Pursuant to Rules 4901-1-02(D)(2), 4901-1-12, and 4901-1-24(D), Ohio Administrative Code (O.A.C.), The Ohio Manufacturers' Association Energy Group (OMAEG) hereby files this motion for protective order with the Public Utilities Commission of Ohio (Commission), seeking a protective order regarding information asserted to be confidential by The Dayton Power and Light Company (DP&L or the Company). As part of discovery in this proceeding, DP&L provided certain information to OMAEG, subject to a protective agreement, which DP&L asserts constitutes trade secret information under Ohio law.

OMAEG hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(D)(2), the Commission issue such order as is necessary to protect the information contained in the redacted portions of the Direct Testimony of Thomas N. Lause, which are asserted to be confidential by DP&L. Pursuant to OMAEG's rights under the protective agreement, OMAEG is filing the Direct Testimony of Thomas N. Lause under seal, and is also filing a public version

of Mr. Lause's testimony, which includes all information not claimed by DP&L to be confidential.

By filing this motion for protective order, OMAEG does not concede that the information for which protection is sought constitutes trade secret information; however, OMAEG acknowledges that it has obtained said information pursuant to a protective agreement with DP&L that provides for such information to be treated as confidential and protected (subject to OMAEG's right under the protective agreement to initiate a process by which the Commission may determine whether the information should be afforded confidential treatment under Ohio law). The grounds for this motion are more fully discussed in the accompanying memorandum in support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

OMAEG files its motion for protective order (Motion) contemporaneously with the Direct Testimony of Thomas N. Lause in this proceeding. In filing this Motion, OMAEG does not concede that the information in the Direct Testimony of Thomas N. Lause is trade secret information pursuant to R.C. 1333.61(D), and further does not concede that the information is deserving of protection from public disclosure under Rule 4901-1-24(D), O.A.C.

OMAEG understands that DP&L considers the information contained in the redacted portions of the Direct Testimony of Thomas N. Lause to be confidential and deserving of protection as trade secret information pursuant to Section 1333.61(D), Revised Code. OMAEG's understanding is based on claims by DP&L that 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.¹

Under the assertions made by DP&L, at this time, confidential treatment of the information contained in the redacted portions of the Direct Testimony of Thomas N. Lause would be appropriate, subject to OMAEG's rights under its protective agreement with DP&L to initiate a process to determine whether the information should be protected. In addition, OMAEG is filing a public version of the Direct Testimony of Thomas N. Lause so that all information not claimed by DP&L to be confidential is accessible to the public.

For the aforementioned reasons, the Commission should grant the motion for protective order sought herein.

Respectfully submitted,

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¹ See Section 1333.61, Revised Code.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served electronically upon those persons listed below on November 21, 2016.

/s/ Danielle G. Walter _____

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Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM

Summary: Motion For Protective Order electronically filed by Debra A Gaunder on behalf of Ohio Manufacturers' Association Energy Group