

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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

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 by the Dayton Power and Light Company ("DP&L")¹. As part of discovery in this proceeding, DP&L provided information to OCC, subject to a protective agreement, and DP&L asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the Supplemental Testimony of David Parcell (Confidential) that are asserted to be confidential by DP&L. Subject to OCC's rights under the protective agreement, OCC is filing the Supplemental Testimony of David Parcell (Confidential) under seal, and is also

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

filing a public version that shows all information not claimed by DP&L to be confidential.

By filing the instant Motion, OCC does not concede that the information constitutes trade secret information. However, OCC acknowledges that it has obtained this information under a protective agreement with DP&L that provides for such information to be treated as confidential and protected (subject to OCC's right under the protective agreement 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,

BRUCE WESTON (0016973)
CONSUMERS' COUNSEL

/s/ William Michael
William Michael, (0070921)
Counsel of Record
Kevin F. Moore (0089228)
Ajay Kumar (0092208)
Andrew Garver (PHV-10193-2017)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: [Michael] (614) 466-1291
Telephone: [Moore] (614) 387-2965
Telephone: [Kumar] (614) 466-1292
Telephone: [Garver] (614) 466-9569
william.michael@occ.ohio.gov
kevin.moore@occ.ohio.gov
ajay.kumar@occ.ohio.gov
andrew.garver@occ.ohio.gov
(All will accept service via email)

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Approval of Certain Accounting Authority)
Pursuant to Ohio Rev. Code § 4905.13)

MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order (“Motion”) contemporaneously with the filing of the Supplemental Testimony of David Parcell (Confidential). In filing this Motion, OCC does not concede that the information in the Supplemental Testimony of David Parcell (Confidential) is trade secret information under R.C. 1333.61(D) and does not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

OCC understands that DP&L considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC’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. *See* R.C. 1333.61(D). Under the assertions made by DP&L, at this time, confidential treatment of the redacted

information in the Supplemental Testimony of David Parcell (Confidential) would be appropriate, subject to OCC's rights under its protective agreement with DP&L to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version of the Supplemental Testimony of David Parcell (Confidential) so that all information not claimed by the DP&L to be confidential is accessible for the public's review. The public version does not contain information that was asserted by DP&L to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,
BRUCE WESTON (0016973)
OHIO CONSUMERS' COUNSEL

/s/ William Michael
William Michael, (0070921)
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Kevin F. Moore (0089228)
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Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: [Michael] (614) 466-1291
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Telephone: [Kumar] (614) 466-1292
Telephone: [Garver] (614) 466-9569
william.michael@occ.ohio.gov
kevin.moore@occ.ohio.gov
ajay.kumar@occ.ohio.gov
andrew.garver@occ.ohio.gov
(All will accept service via email)

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 e-mail this 29th day of March, 2017.

/s/ William Michael
William Michael
Assistant Consumers' Counsel

SERVICE LIST

william.wright@ohioattorneygeneral.gov	michael.schuler@aes.com
dboehm@bkllawfirm.com	cfaruki@ficlaw.com
mkurtz@bkllawfirm.com	djireland@ficlaw.com
jkylarcohn@bkllawfirm.com	jsharkey@ficlaw.com
kboehm@bkllawfirm.com	mfleisher@elpc.org
fdarr@mwncmh.com	kfield@elpc.org
mpritchard@mwncmh.com	jeffrey.mayes@monitoringanalytics.com
mjsettineri@vorys.com	evelyn.robinson@pjm.com
smhoward@vorys.com	schmidt@sppgrp.com
glpetrucci@vorys.com	rsahli@columbus.rr.com
ibatikov@vorys.com	tony.mendoza@sierraclub.org
wasieck@vorys.com	kristin.henry@sierraclub.org
tdougherty@theOEC.org	gpoulos@enernoc.com
cmooney@ohiopartners.org	mdortch@kravitzllc.com
joliker@igsenergy.com	rparsons@kravitzllc.com
mswhite@igsenergy.com	Bojko@carpenterlipps.com
ebeterton@igsenergy.com	perko@carpenterlipps.com
Slessor@calfee.com	Ghiloni@carpenterlipps.com
jlang@calfee.com	paul@carpenterlipps.com
talexander@calfee.com	sechler@carpenterlipps.com
mkeaney@calfee.com	rick.sites@ohiohospitals.org
slessor@calfee.com	mwarnock@bricker.com
jlang@calfee.com	dparram@bricker.com
amy.spiller@duke-energy.com	dborchers@bricker.com
elizabeth.watts@duke-energy.com	lhawrot@spilmanlaw.com
jeanne.kingery@duke-energy.com	dwilliamson@spilmanlaw.com
gthomas@gtpowergroup.com	charris@spilmanlaw.com
stheodore@epsa.org	ejacobs@ablelaw.org
cpirik@dickinsonwright.com	laurac@chappelleconsulting.net
wvorys@dickinsonwright.com	todonnell@dickinsonwright.com
	rseiler@dickinsonwright.com
Attorney Examiners:	mcrawford@djflawfirm.com
gregory.price@puc.state.oh.us	jdoll@djflawfirm.com
bryce.mckenney@puc.state.oh.us	

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Summary: Motion Motion for Protective Order by The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Michael, William Mr.