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Honda North America, Inc.
24025 Honda Parkway
Marysville, OH 43040

March 30, 2018

**VIA HAND DELIVERY**

Mr. Robert Wolfe
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, OH 43215

RE: Annual Measurement and Verification Report
Case No. 10-2205-EL-EEC

Dear Mr. Wolfe:

This correspondence contains the measurement and verification data promised in the Self-Direct Program Agreement submitted as an exhibit to the application for approval of a special arrangement for a mercantile exemption of the energy efficiency rider (Case No. 10-2205-EL-EEC) and as contemplated in the rules of the Commission.

Attached to this cover letter are Honda submitted Exhibits A (Energy Conservation and Demand Reduction Project Summary), Exhibit B (Energy Data Sheets) and Exhibit C (Cumulative Performance). Subsequent to the last report, Honda placed three projects in the Self-Direct Program. The projects now in place will keep Honda in compliance with the Agreement through 2019. We again ask that the attached exhibits remain confidential to protect Honda proprietary and confidential data. A separate Motion seeking an order to place the Exhibits under seal has also been filed today.

Finally, if you have any questions or need additional information please contact me and I will work with associates here at Honda to answer those questions.

Cordially,

M. Anthony Long
Senior Counsel - Honda North America, Inc.
937-644-6645
tony_long@ham.honda.com

cc: Stefanie S. Campbell, PE CEM
Manager, Energy Efficiency Programs
Dayton Power & Light

**BEFORE**
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|---|---|---|
| In the Matter of the Application of The Dayton Power and Light Company and Honda of America Mfg., Inc. for Approval of a Special Arrangement | ) ) ) ) | Case No. 10-2205-EL-EEC |

## MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C."), Honda of America Mfg., Inc. ("Honda") moves for a protective order to prevent public disclosure of Exhibits A, B and C to the "Self-Direct Program Agreement" entered into on February 22, 2010 by and between The Dayton Power and Light Company and Honda. The basis for this Motion for Protective Order is contained in the accompanying memorandum in support. Three unredacted copies of Exhibits A, B and C to the Self-Direct Program Agreement have been submitted under seal.

A Memorandum in Support of this Motion is attached.

WHEREFORE, Honda of America Mfg., Inc. respectfully moves that the Commission grant its request for a protective order and allows Exhibits A, B and C to the Self-Direct Program Agreement to be submitted under seal.

Respectfully submitted,

M. Anthony Long
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tony_long@hna.honda.com
***Attorney for Honda of America Mfg., Inc.***

## MEMORANDUM IN SUPPORT

On February 22, 2010, The Dayton Power and Light Company ("DP&L") and Honda of America Mfg., Inc. ("Honda") entered into a Self-Direct Program Agreement. These new and revised exhibits update the efforts to meet the targets set forth in the Agreement. Exhibit A to the Self-Direct Program Agreement contains a list of all current and past energy efficiency programs and demand reduction programs for which the energy and demand reduction savings have been committed to DP&L. Exhibit B constitutes a series of energy savings data sheets which disclose various project titles, types, descriptions, costs and estimated annual savings that Honda has achieved in the recent past. Exhibit C demonstrates historic normalization of Demand with Energy and Demand Performance. Each of these three exhibits contain confidential, proprietary and trade secret information. The public disclosure of these three exhibits would give competitors of Honda an unfair competitive advantage as it would disclose certain energy related projects that Honda has undertaken. Honda respectfully requests that each of these three exhibits be considered confidential and allowed to be submitted under seal.

Rule 4901-1-24(D) of the Ohio Administrative Code provides that the Commission or certain designated employees may issue an order which is necessary to protect the confidentiality of information contained in documents filed with the Commission's Docketing Division to the extent that state or federal law prohibits the release of the information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. State law recognizes the need to protect certain types of information which are the subject of this motion. The non-disclosure of Exhibits A, B and C will not impair the purposes of Title 49. The Commission and its Staff have full access to the information in order to fulfill its statutory obligations. No purpose of Title 49 would be served by the public disclosure of these exhibits.

The need to protect the designated information from public disclosure is clear, and there is compelling legal authority supporting the requested protective order. While the Commission has often expressed its preference for open proceedings, the Commission also long ago recognized its statutory obligations with regard to trade secrets:

> The Commission is of the opinion that the "public records" statute must also be read in pari materia with Section 1333.31, Revised Code ("trade secrets" statute). The latter statute must be interpreted as evincing the recognition, on the part of the General Assembly, of the value of trade secret information.

In re: General Telephone Co., Case No. 81-383-TP-AIR (Entry, February 17, 1982.) Likewise, the Commission has facilitated the protection of trade secrets in its rules (O.A.C. § 4901-1-24(A)(7)).

The definition of a "trade secret" is set forth in the Uniform Trade Secrets Act:

> "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, patter, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information or listing of names, addresses, or telephone numbers, that satisfies both of the following:
>
> (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
>
> (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

R.C. § 1333.61(D). This definition clearly reflects the state policy favoring the protection of trade secrets.

In State ex rel. The Plain Dealer v. Ohio Dept. of Ins. (1997) 80 Ohio St. 3d 513, 524-525, the Ohio Supreme Court adopted the Eighth District Court of Appeals' six factor test in Pyromatics, Inc. v.

Petruziello, 7 Ohio App. 3d 131, 134-135 (Cuyahoga County 1983) in determining whether a trade secret claim meets the statutory definition as codified in R.C. 1333.61(D). In Pyromatics, Inc., the Court of Appeals, citing Koch Engineering Co. v. Faulconer, 210 U.S.P.Q. 854, 861 (Kansas 1980), delineated six factors to be considered in recognizing a trade secret:

> (1) The extent to which the information is known outside the business, (2) the extent to which it is known to those inside the business, i.e., by the employees, (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information, (4) the savings effected and the value to the holder in having the information as against competitors, (5) the amount of effort or money expended in obtaining and developing the information, and (6) the amount of time and expense it would take for others to acquire and duplicate the information.

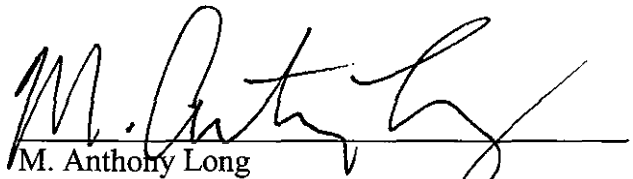
Applying these factors to Exhibits A, B and C to the Self-Direct Program Agreement, it is clear that a protective order should be granted.

Honda asserts that Exhibits A, B and C to the Self-Direct Program Agreement are confidential, proprietary and trade secrets and are not generally known or available to the general public. These documents contain information about equipment and modifications to equipment that are used in the manufacturing process. Public disclosure of this information would give Honda's competitors an undue competitive advantage and would jeopardize Honda's ability to compete in the market.

Finally, the Commission previously granted a similar motion for the originally filed Exhibit A, Exhibit B and Exhibit C. In an Order issued December 7, 2011 those Exhibits, with similar information contained on these Exhibits, were sealed for 24 months. Thereafter, Honda filed a subsequent Motion on March 31, 2017 in this same matter.

WHEREFORE, for the above reasons Honda of America Mfg., Inc. respectfully requests that the Commission grant its Motion for Protective Order and maintain Exhibits A, B and C to the Self-Direct Program Agreement under seal.

Respectfully submitted,



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