

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

In the Matter of the Long-Term Forecasting)	
Report of Ohio Edison Company, The)	Case No. 18-449-EL-FOR
Cleveland Electric Illuminating Company,)	
The Toledo Edison Company and American)	
Transmission Systems Incorporated)	
)	

MOTION FOR PROTECTIVE ORDER

Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company and American Transmission Systems Incorporated (collectively, the “Companies”), pursuant to R.C. 143.433 and O.A.C. 4901-1-24(D), move for a protective order keeping confidential infrastructure information included in their Long Term Forecast Report (“LTFR”), which information is being filed under seal contemporaneously with this motion. As described further in the attached Memorandum in Support of this Motion, PUCO Forms FE-T7 and FE-T8 were initially withheld from filing pursuant to O.A.C. 4901:5-5-04(A) because they contain critical energy infrastructure information. However, at the request of Staff, the Companies are voluntarily submitting this infrastructure information to the Commission under seal in expectation of protection from disclosure as provided by section 149.433 of the Revised Code.

Accordingly, the Companies request that the information included in PUCO Forms FE-T7 and FE-T8, which has been clearly marked as confidential and filed under seal, be protected from public disclosure for a minimum of twenty-five years as required by R.C. 149.433.

Respectfully submitted,

/s/ Robert M. Endris

Robert M. Endris (0089886)
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
330-384-5728
330-384-3875 (fax)
rendris@firstenergycorp.com

*Attorney for Ohio Edison Company, The
Cleveland Electric Illuminating Company, The
Toledo Edison Company and American
Transmission Systems Incorporated*

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Pursuant to R.C. 143.433 and O.A.C. 4901-1-24(D), Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company and American Transmission Systems Incorporated (collectively, the “Companies”) move for a protective order keeping confidential PUCO Forms FE-T7 and FE-T8 to their Long Term Forecast Report (“LTFR”), which forms are being filed under seal contemporaneously with this motion. The Companies withheld PUCO Forms FE-T7 and FE-T8 from filing pursuant to O.A.C. 4901:5-5-04(A)¹ because they contain critical energy infrastructure information (“CEII”). The information provided in these forms also constitutes “infrastructure information” as that term is used in R.C. 149.433. However, at the request of Staff, the Companies are now voluntarily submitting this CEII/infrastructure information to the Commission under seal in expectation of protection from disclosure as provided by R.C. 149.433. To that end, the Commission should enter a protective order prohibiting the disclosure of this information for a minimum of twenty-five years as provided in R.C. 149.43.

1 “To the extent the information sought from electric transmission owners in this rule contains critical energy
infrastructure information, such information shall remain at the reporting person's premises, but subject to inspection
and review at the request of the commission's staff, unless the commission staff determines it necessary to take
possession.” 4901:5-5-04(A), Ohio Administrative Code.

Section 149.433(C) of the Revised Code states that a record “submitted to, or kept by a public office that is an infrastructure record of a private entity, which is submitted to the public office for use by the public office, when accompanied by an express statement, is exempt from release or disclosure under section 149.43 of the Revised Code for a period of twenty-five years after its creation if it is retained by the public office for that length of time.” An “infrastructure record” is defined to mean “any record that discloses the configuration of critical systems including, but not limited to, communication, computer, **electrical**, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of a building.” R.C. 149.433(A) (emphasis added). The “express statement” referenced in R.C. 149.433(C) is “a written statement substantially similar to the following: ‘This information is voluntarily submitted to a public office in expectation of protection from disclosure as provided by section 149.433 of the Revised Code.’” Notably, when R.C. 149.433 initially was enacted in 2002 following the 9/11 tragedy, it protected from disclosure the infrastructure records of public offices only. However, in 2016, R.C. 149.433 was expanded to include infrastructure records of private entities, such as the Companies, that are submitted to public offices.

PUCO Forms FE-T7 and FE-T8 are infrastructure records because they identify the characteristics of all of the Companies’ existing transmission lines and substations in a manner that, taken as a whole, reveals the overall configuration of the Companies’ critical electrical systems. Further, these forms indicate the voltage and number of transmission lines entering each substation, as well as normal and emergency ratings, which information provides an indication of the criticality of a substation or line. Those intending to cause harm could use this information to identify more impactful targets. Thus, the Companies are submitting these forms

to the Commission under seal with the express statement required by R.C. 149.433, which thereby renders them exempt from disclosure for at least twenty-five years.

As infrastructure information under R.C. 149.433, Forms FE-T7 and FE-T8 are protected from disclosure for a minimum of twenty-five years. Similarly, as CEII, Forms FE-T7 and FE-T8 are entitled to a protective order prohibiting disclosure indefinitely, as has been the practice of the Power Siting Board. *See In the Matter of the Application of the City of Hamilton and American Municipal Power, Inc., for a Certificate of Environmental Compatibility and Public Need for the Construction of a Substation in Franklin and Washington Townships*, PSB Case No. 10-2439-EL-BSB, Entry (June 10, 2016) (waiving the standard 24-month protective order period and extending protective treatment to CEII indefinitely).

Accordingly, for the foregoing reasons, the Companies respectfully request a protective order preventing public disclosure of Forms FE-T7 and FE-T8 to their LTFR, which information has been filed separately under seal.

Respectfully submitted,

/s/ Robert M. Endris

Robert M. Endris (0089886)
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
330-384-5728
330-384-3875 (fax)
rendris@firstenergycorp.com

*Attorney for Ohio Edison Company, The
Cleveland Electric Illuminating Company, The
Toledo Edison Company and American
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/15/2018 3:49:59 PM

in

Case No(s). 18-0449-EL-FOR

Summary: Motion Motion for Protective Order electronically filed by Mr Robert M Endris on behalf of Endris, Robert Mr.