

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED DOCKETING
2018 JUN 29 AM 11:56

Premier Power Solutions, LLC : Case No. 09-0329-EL-AGG

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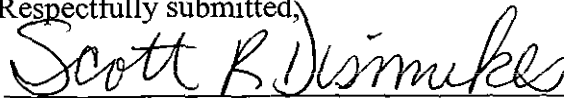
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MOTION FOR A PROTECTIVE ORDER

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code ("OAC"), Premier Power Solutions, LLC hereby moves for a protective order to keep confidential a letter notification filed with the Public Utilities Commission of Ohio. As more fully explained in the accompanying memorandum, the letter notification contains commercially sensitive, financial information.

WHEREFORE, Premier Power Solutions, LLC respectfully requests that its motion for a protective order be granted and that the Commission issue an order providing that it is not required to make its letter notification part of the public record. Premier Power requests that the Commission maintain the confidential information until such time as Premier Power publically announces the information, consents to its disclosure upon any request made to disclose such information, or as otherwise ordered by law.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF MOTION FOR A PROTECTIVE ORDER

As indicated in the foregoing motion, Premier Power Solutions, LLC ("Premier Power") seeks a protective order to keep confidential a letter notification filed with the Public Utilities Commission of Ohio (the "Commission") that contains commercially sensitive, financial information. Rule 4901-1-24(D) of the Ohio Administrative Code (the "Code") provides that the Commission or certain designated employees may issue an order that is necessary to protect the confidentiality of information contained in documents filed with the Commission, 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.

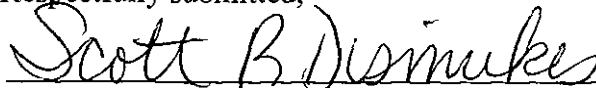
Premier Power submits that the subject notification letter contains competitively sensitive and highly confidential information that is not generally known or available to the public. Premier Power has undertaken efforts to keep this information confidential. Additionally, Premier Power submits that the information contained in the letter notification is not considered "public information" that must be available to the public pursuant to state law. See ORC Ann. 149.43 (defining "public record" as "records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school [...]").

As noted, the letter notification contains financial information. Such information, if released to the public, would harm Premier Power by providing proprietary information to Premier Power's competitors. For this reason, the Commission and attorney examiners often grant Protective Orders to protect such confidential financial information. *See e.g.* 2014 Ohio PUC Lexis 135 (June 2014); *see also* 2011 Ohio PUC Lexis 84 (Jan. 2011); *see also* 2008 Ohio PUC Lexis 838 (2008).

Additionally, the non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. The Commission has full access to the information and can rely on it in order to fulfill its obligations under Title 49. Furthermore, non-disclosure of the information would not harm the public or Premier Power's customers.

WHEREFORE, Premier Power Solutions, LLC respectfully requests that its motion for a protective order be granted and that the Commission issue an order providing that it is not required to make public its letter notification until such time as the Commission orders otherwise. Premier Power requests that the Commission maintain the Confidential Information until such time as Premier Power publically announces the information, consents to its disclosure upon any request made to disclose such information, or as otherwise ordered by law.

Respectfully submitted,



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