

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Long-Term Forecast Report of Ohio Power Company and Related Matters.</b>	) ) )	<b>Case No. 18-501-EL-FOR</b>
<b>In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter Into Renewable Energy Purchase Agreements for Inclusion in the Renewable Generation Rider.</b>	) ) ) ) )	<b>Case No. 18-1392-EL-RDR</b>
<b>In the Matter of the Application of Ohio Power Company to Amend its Tariffs.</b>	) )	<b>Case No. 18-1393-EL-ATA</b>

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**MOTION FOR PROTECTIVE ORDER FILED BY INTERVENOR OHIO COAL  
ASSOCIATION**

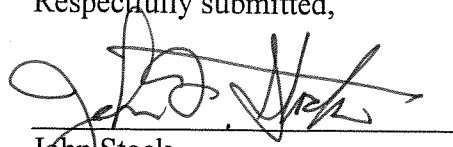
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Pursuant to OAC Rule 4901-1-24, Intervenor Ohio Coal Association (“OAC”) hereby moves for a protective order to protect the confidentiality of certain materials (“Protected Materials”) produced by AEP Ohio during discovery and claimed by AEP Ohio to be confidential, proprietary or trade secret pursuant to a Protective Agreement between AEP Ohio and OCA.

The Protected Materials are referenced in the unredacted versions of the Direct Testimony of Richard E. Brown, Ph.D., P.E., and his accompanying Report, “Assessment of AEP Ohio Renewable Generation Rider Application” filed with the Commission under seal pursuant to O.A.C. Rule 4901-1-24.

This Motion for Protective Order is supported by the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Stock", is written over a horizontal line.

John Stock

Orla E. Collier

Benesch Friedlander Coplan &  
Aronoff, LLP

41 S. High Street, Suite 2600

Columbus, Ohio 43215

Telephone: (614) 223-9300

Facsimile: (614) 223-9330

[jstock@beneschlaw.com](mailto:jstock@beneschlaw.com)

[ocollier@beneschlaw.com](mailto:ocollier@beneschlaw.com)

*Attorneys for Intervenor  
Ohio Coal Association*

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**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER FILED BY  
INTERVENOR OHIO COAL ASSOCIATION**

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In the course of this proceeding and in discovery, AEP Ohio has asserted that certain information is confidential, proprietary or trade secret (“Protected Materials”). In order to obtain this information, AEP Ohio and Intervenor Ohio Coal Association (“OCA”) entered into a Protective Agreement governing the treatment of Protected Materials and use in connection with the subject proceeding.

Coincident with the filing of this Motion for Protective Order, OCA has filed in the public docket the redacted version of the Direct Testimony of Richard E. Brown, PH.D., P.E., and his accompanying Report “Assessment of AEP Ohio Renewable Generation Rider Application”. This redacted version redacts certain information claimed by AEP Ohio to be Protected Materials. An unredacted version has been filed with the Commission under seal pursuant to OAC Rule 4901-1-24.

In advance of the filing, counsel for OCA notified counsel for AEP that OCA intended to include, utilize or refer to specified Protected Materials in testimony or exhibits during the hearing in these cases. The materials are cited in the December 27, 2018 letter to counsel for AEP Ohio attached as Exhibit A. OCA further advised in the letter that it would continue to treat the designated Protected Materials as Protected Materials under the Protective Agreement and would file unredacted testimony and exhibits with the Commission under seal under the applicable PUCO procedures.

Counsel for AEP Ohio responded by email dated December 28, 2018 further addressing this treatment of Protected Materials. A copy of the email is attached as Exhibit B.

There are no differences between the parties as to treatment of the Protected Materials. See Affidavit of Counsel, Exhibit 1 attached. Intervenor files this Motion For Protective Order to ensure the filing of the unredacted Direct Testimony and Report under seal and to ensure the continued protection of Protected Materials claimed by AEP Ohio to be confidential. Intervenor reserves the right to contend at hearing that certain Protected Materials should not be designated as Protected Materials under the Protective Agreement subject to further order of the Attorney Examiner or Commission. In the interim, the requested Protective Order should issue under OAC Rule 4901-1-24.

Respectfully submitted,



John Stock

Orla E. Collier

Benesch Friedlander Coplan &  
Aronoff, LLP

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Columbus, Ohio 43215

Telephone: (614) 223-9300

Facsimile: (614) 223-9330

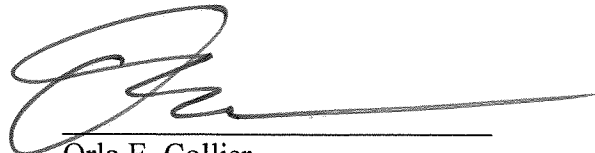
[jstock@beneschlaw.com](mailto:jstock@beneschlaw.com)

[ocollier@beneschlaw.com](mailto:ocollier@beneschlaw.com)

*Attorneys for Intervenor  
Ohio Coal Association*

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the Motion For Protective Order and attachments were served upon all parties of record by electronic service this <sup>20th</sup> day of January, 2019.



Orla E. Collier

*Attorney for Intervenor  
Ohio Coal Association*

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<b>In the Matter of the Long-Term Forecast Report of Ohio Power Company and Related Matters.</b>	) ) )	<b>Case No. 18-501-EL-FOR</b>
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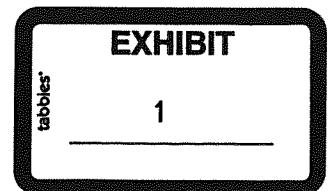
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**AFFIDAVIT OF COUNSEL**

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The undersigned counsel for Intervenor Ohio Coal Association, being first duly cautioned and sworn, states as follows:

1. I am counsel for Intervenor Ohio Coal Association ("OCA") in the above styled proceedings and submit this Affidavit pursuant to OAC Rule 4901-24 (B)(3).
2. By letter dated December 27, 2018, Exhibit A attached, counsel for OCA advised counsel for AEP Ohio of OCA's intent to include, utilize or refer to Protected Materials specified in the letter in testimony or exhibits during the hearing in these cases and would file unredacted versions of the Direct Testimony of Richard E. Brown, PH.D., P.E., and his Report "Assessment of AEP Ohio Renewable Generation Rider Application" under seal. Counsel for AEP Ohio responded by email dated December 28, 2018, Exhibit B attached.
3. There are no differences between the parties, AEP Ohio and OCA, regarding the treatment and use of Protected Materials claimed by AEP Ohio to be confidential. OCA files this

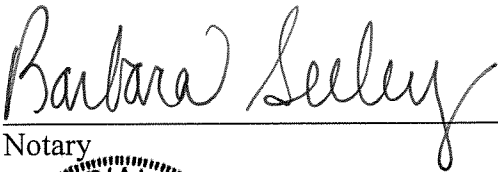


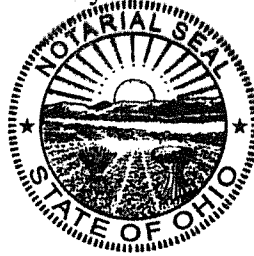
Motion for Protective Order to comply with the Protective Agreement entered by the parties and to ensure compliance with OAC Rule 4901-24.

Affiant further sayeth naught.

  
\_\_\_\_\_  
Orta E. Collier

Sworn to and subscribed in my presence this 2 day of January, 2019.

  
\_\_\_\_\_  
Notary



**Barbara Seelley**  
Notary Public, State of Ohio  
My Commission Expires 01-01-2020

December 27, 2018

Steve T. Nourse  
Chief Ohio Regulatory Counsel  
American Electric Power Service Corporation  
1 Riverside Plaza  
29th Floor  
Columbus, Ohio 43215

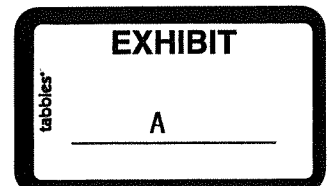
VIA EMAIL  
stnourse@aep.com

Re: PUCO Case Nos. 18-501-EL-FOR, 18-1392-EL-RDR and 18-1393-EL-ATA

Dear Mr. Nourse,

Pursuant to the Protective Agreement entered by AEP Ohio and the Ohio Coal Association ("OCA"), the OCA hereby gives notice that it will include utilize or refer to the following Protected Materials in testimony or exhibits during the hearing on these cases:

- AEP Ohio 2017 Solar Energy RFP, Appendix A1, Highland Solar Project Summary;
- AEP Ohio 2017 Solar Energy RFP, Appendix A, Solar Project Summary (Willowbrook Solar I);
- Professional Services Agreement between Navigant Consulting and Ohio Power Company, May 16, 2018;
- Professional Services Agreement between Navigant Consulting and Ohio Power Company, Sept. 12, 2018 (1 of 2);
- Professional Services Agreement between Navigant Consulting and Ohio Power Company, Sept. 12, 2018 (2 of 2);
- AEP Ohio 2017 Solar Energy Resources RFP Procedures Manual, Dec. 8, 2018;
- Renewable Energy Purchase Agreement for Solar Energy Resources between Hecate Energy Highland LLC and Ohio Power Company, Sept. 25, 2018;





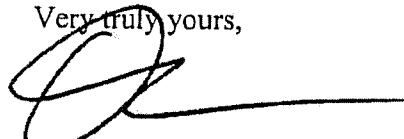
December 27, 2018

Page 2

- Renewable Energy Purchase Agreement for Solar Energy Resources between Willowbrook Solar I, LLC and Ohio Power Company, Sept. 27, 2018;
- Direct Testimony of John Torpey, Sept. 19, 2018; and
- PUCO Case No. 18-501-EL-FOR, et al., Staff-DR-01-001. Staff DR 1-a Confidential Attachment.

The OCA will continue to treat any designated Protected Materials as Protected Materials under the Protective Agreement. The OCA will file redacted testimony and exhibits with the PUCO under the PUCO's procedures for filing under seal. The OCA reserves the right to contend at hearing that Protected Materials should not be designated as Protected Materials under the Protective Agreement.

Very truly yours,



Orla E. Collier

OEC:vlw

cc: All Parties of Record

**From:** Warden, Vickie  
**Sent:** Friday, December 28, 2018 9:57 AM  
**To:** Stock, John; Collier, Orla  
**Cc:** 'stnourse@aep.com'  
**Subject:** FW: URGENT: PUCO Case Nos. 18-501-EL-FOR, 18-1392-EL-RDR and 18-1393-EL-ATA  
**Importance:** High

Please see the attached message from Steve Nourse.

Thank you.

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**From:** Steven T Nourse <stnourse@aep.com>  
**Sent:** Friday, December 28, 2018 9:55 AM  
**To:** Warden, Vickie <vwarden@Beneschlaw.com>  
**Cc:** Christen M Blend <cmblend@aep.com>  
**Subject:** URGENT: PUCO Case Nos. 18-501-EL-FOR, 18-1392-EL-RDR and 18-1393-EL-ATA  
**Importance:** High

Vickie,

I left you a voicemail and I left Mr. Collier a voicemail as well. Is there an email address where Mr. Stock or Mr. Collier can be reached? If not, please convey the following information to them. I would like to get their email addresses and that is a normal way for attorneys in the PUCO practice to communicate. Please forward this message to them and copy me.

I received the letter you sent regarding Protected Materials, as defined in our Protective Agreement, to be used in testimony. To the extent OCA continues to follow the Protective Agreement terms and avoid disclosure of Protected Materials, your notice was not required (and in any case did not need to be served on the other parties). Under Paragraph 13 of our agreement, notice is required only if you desire to publicly disclose matters designated by the Company as Protected Materials. Such public disclosure can only be made after a determination, if any, by the Attorney Examiner that the materials in question were not properly designated as confidential. You may have seen a similar notice from OCC recently and decided to follow that process with your December 27 letter. But the OCC notice was different, as it was issued under a different provision that is unique to OCC (as a public agency) and they were indicating that materials designated as confidential should be publicly disclosed – triggering an opportunity for the Company to seek protection from the Commission or a Court; that matter remains pending between OCC and the Company and no public disclosure of that information is currently permitted.

Accordingly, OCA has a continuing obligation to ensure that Protected Materials are not disclosed through the filing of testimony or otherwise. And it is imperative that we clarify and confirm the confidentiality status of the information you referenced in your letter. In that regard, my understanding of your letter is that OCA will file all Protected Materials under seal (accompanied by an appropriate motion for protective order under OAC 4901-1-24) and will not publicly disclose any Protected Material through its filing. If you Moreover, if there is any question about confidentiality of information you plan to disclose in public testimony, please let me know and we can get the question resolved. Finally, please ensure that any materials redacted or “blacked out” cannot be reverse engineered to disclose the Protected Material; if you are not familiar with the process of doing this

using Adobe PDF software or comparable software, I am happy to get technical assistance for your to successfully achieve this outcome.

Please confirm receipt of this communication on behalf of Mr. Stock and Mr. Collier.

Thanks,  
Steve



STEVEN T NOURSE | CHIEF OHIO REGULATORY COUNSEL  
[stnourse@aep.com](mailto:stnourse@aep.com) | D:614.716.1608  
1 Riverside Plaza, Columbus, OH 43215

**From:** Warden, Vickie <[vwarden@Beneschlaw.com](mailto:vwarden@Beneschlaw.com)>  
**Sent:** Thursday, December 27, 2018 3:52 PM  
**To:** Bojko <[Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)>; Callwein <[callwein@opae.org](mailto:callwein@opae.org)>; Campbell <[campbell@whitt-sturtevanat.com](mailto:campbell@whitt-sturtevanat.com)>; Christen M Blend <[cblend@aep.com](mailto:cblend@aep.com)>; Christine M.T. Pirik <[cpirik@dickinsonwright.com](mailto:cpirik@dickinsonwright.com)>; Christopher Healey <[Christopher.healey@occ.ohio.gov](mailto:Christopher.healey@occ.ohio.gov)>; Christopher L. Miller <[Christopher.miller@icemiller.com](mailto:Christopher.miller@icemiller.com)>; Colleen Mooney <[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)>; Devon Parram ([dparram@bricker.com](mailto:dparram@bricker.com)) <[dparram@bricker.com](mailto:dparram@bricker.com)>; Dressel <[Dressel@carpenterlipps.com](mailto:Dressel@carpenterlipps.com)>; Eric B. Gallon <[egallon@porterwright.com](mailto:egallon@porterwright.com)>; Frank P. Darr <[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)>; glover <[glover@whitt-sturtevant.com](mailto:glover@whitt-sturtevant.com)>; Gretchen L. Petrucci <[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)>; J Oliker <[joliker@igsenergy.com](mailto:joliker@igsenergy.com)>; Jason M. Rafeld <[Jason.rafeld@icemiller.com](mailto:Jason.rafeld@icemiller.com)>; Jody Kyler Cohn ([jkylercohn@BKLLawfirm.com](mailto:jkylercohn@BKLLawfirm.com)) <[jkylercohn@BKLLawfirm.com](mailto:jkylercohn@BKLLawfirm.com)>; K Boehm <[Kboehm@BKLLawfirm.com](mailto:Kboehm@BKLLawfirm.com)>; k treadway <[ktreadway@oneenergylc.com](mailto:ktreadway@oneenergylc.com)>; L. Bradford Hughes <[bhughes@porterwright.com](mailto:bhughes@porterwright.com)>; Laura C <[laurac@chappellconsulting.net](mailto:laurac@chappellconsulting.net)>; Michael A Childs <[machilds@aep.com](mailto:machilds@aep.com)>; Matthew R. Pritchard <[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)>; Maureen Willis ([maureen.willis@occ.ohio.gov](mailto:maureen.willis@occ.ohio.gov)) <[maureen.willis@occ.ohio.gov](mailto:maureen.willis@occ.ohio.gov)>; Michael Kurtz ([mkurtz@BKLLawfirm.com](mailto:mkurtz@BKLLawfirm.com)) <[mkurtz@BKLLawfirm.com](mailto:mkurtz@BKLLawfirm.com)>; Michael Settineri ([mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)) <[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)>; Mike Dortch ([mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)) <[mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)>; mnugent <[mnugent@igsenergy.com](mailto:mnugent@igsenergy.com)>; Paul <[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)>; rdove ([rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)) <[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)>; S Theodore <[stheodore@epsa.org](mailto:stheodore@epsa.org)>; Sahli <[rsahli@columbus.rr.com](mailto:rsahli@columbus.rr.com)>; Shelli A Sloan <[sasloan@aep.com](mailto:sasloan@aep.com)>; Steven T Nourse <[stnourse@aep.com](mailto:stnourse@aep.com)>; Terrence N. O'Donnell <[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)>; Thomas <[gthomas@gtpowergroup.com](mailto:gthomas@gtpowergroup.com)>; Thomas McNamee <[thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov)>; Tony Mendoza <[tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)>; Whitt <[Whitt@whitt-sturtevant.com](mailto:Whitt@whitt-sturtevant.com)>; William Michael <[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)>  
**Subject:** [EXTERNAL] PUCO Case Nos. 18-501-EL-FOR, 18-1392-EL-RDR and 18-1393-EL-ATA

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the 'Report to Incidents' button in Outlook or forward to [incidents@aep.com](mailto:incidents@aep.com) from a mobile device.

Please see the attached correspondence.

Thank you.

*Sent on behalf of Orla Collier*

Vickie Warden  
Legal Secretary

Litigation

Benesch, Friedlander, Coplan & Aronoff LLP

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**Vickie Warden**

Legal Secretary

Litigation

Direct: 614.223.9335

Cell: 740.705.2811

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**Commission of Ohio Docketing Information System on**

**1/2/2019 12:24:32 PM**

**in**

**Case No(s). 18-0501-EL-FOR, 18-1392-EL-RDR, 18-1393-EL-ATA**

Summary: Motion Motion for Protective Order filed by Intervenor Ohio Coal Association and Memorandum in Support electronically filed by John F Stock on behalf of Ohio Coal Association