

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|---|---|-------------------------|
| In the Matter of the 2018 Long-Term |) | |
| Forecast Report on behalf of Ohio Power |) | Case No. 18-0501-EL-FOR |
| Company and Related Matters. |) | |

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|--|---|-------------------------|
| In the Matter of the Application Seeking |) | |
| Approval of Ohio Power Company's |) | |
| Proposal to Enter into Renewable Energy |) | Case No. 18-1392-EL-RDR |
| Purchase Agreements for Inclusion in the |) | |
| Renewable Generation Rider. |) | |

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|--|---|-------------------------|
| In the Matter of the Application of Ohio |) | Case No. 18-1393-EL-ATA |
| Power Company to Amend its Tariffs. |) | |

**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 Ohio Power ("AEP or Utility.")¹ As part of discovery in this proceeding, AEP provided information to OCC, subject to a protective agreement, and AEP 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 Direct Testimony of Jonathan Lesser that are asserted to be confidential by AEP. Subject to OCC's rights under the protective agreement, OCC is filing the unredacted, Direct Testimony of Jonathan Lesser under seal, and is also filing a public version that redacts only the information claimed by AEP to be confidential.

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

By filing the instant Motion, OCC does not concede that the information that is redacted constitutes trade secret information. However, OCC acknowledges that it has obtained this information under a protective agreement with AEP that provides for such information to be treated as confidential and protected (subject to OCC's right to initiate a process for the PUCO to rule on 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)
Ohio Consumers' Counsel

/s/ Maureen R. Willis

Maureen R. Willis, Counsel of Record
Senior Counsel (0020847)
William J. Michael (0070921)
Christopher Healey (0086027)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Willis]: (614) 466-9567
Telephone [Michael]: (614) 466-1291
Telephone [Healey]: (614) 466-9571
Maureen.willis@occ.ohio.gov
William.michael@occ.ohio.gov
Christopher.healey@occ.ohio.gov
(Willing to accept service by e-mail)

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MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of the Direct Testimony of Jonathan Lesser. In filing this Motion, OCC does not concede that the information in the Direct Testimony of Jonathan Lesser 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 AEP 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 AEP 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 AEP, at this time, confidential treatment of the redacted information in Direct Testimony of Jonathan Lesser would be appropriate, subject to

OCC's rights under its protective agreement with AEP to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version of the Direct Testimony of Jonathan Lesser so that all information not claimed by the AEP to be confidential is accessible for the public's review. The public version does not contain information that was asserted by AEP 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/ Maureen R. Willis

Maureen R. Willis, Counsel of Record
Senior Counsel (0020847)
William J. Michael (0070921)
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Office of the Ohio Consumers' Counsel

65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Willis]: (614) 466-9567
Telephone [Michael]: (614) 466-1291
Telephone [Healey]: (614) 466-9571
Maureen.willis@occ.ohio.gov
William.michael@occ.ohio.gov
Christopher.healey@occ.ohio.gov
(Willing to accept service by e-mail)

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order was served on the persons stated below via electronic transmission this 2nd day of January, 2019.

/s/ Maureen R. Willis

Maureen R. Willis

Assistant Consumer's Counsel

SERVICE LIST

Thomas.mcnamee@ohioattorneygeneral.gov

kboehm@BKLawfirm.com

jkylercohn@BKLawfirm.com

mpritchard@mwncmh.com

fdarr@mwncmh.com

paul@carpenterlipps.com

Bojko@carpenterlipps.com

Dressel@carpenterlipps.com

mleppla@theOEC.org

jstock@beneschlaw.com

jrego@beneschlaw.com

dparram@bricker.com

mdortch@kravitzllc.com

cpirik@dickinsonwright.com

todonnell@dickinsonwright.com

wvorys@dickinsonwright.com

cluse@dickinsonwright.com

msilberman@beneschlaw.com

stnourse@aep.com

cmblend@aep.com

tony.mendoza@sierraclub.org

rsahli@columbus.rr.com

cmooney@ohiopartners.org

mnugent@igsenergy.com

joliker@igsenergy.com

rdove@keglerbrown.com

whitt@whitt-sturtevant.com

glover@whitt-sturtevant.com

callwein@opae.org

mjsettineri@vorys.com

glpetrucci@vorys.com

ktreadway@oneenergylc.com

dborchers@bricker.com

Attorney Examiners

Sarah.parrot@puc.oh.us.gov

Greta.see@puc.oh.us.gov

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Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Willis, Maureen R Mrs.