

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company of a Grid Modernization Business Plan)	
)	
)	Case No. 16-481-EL-UNC
)	
)	
In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company Application for Approval of a Distribution Platform Modernization Plan)	
)	
)	Case No. 17-2436-EL-UNC
)	
)	
)	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company to Implement Matters Relating to the Tax Cuts and Jobs Act of 2017)	
)	
)	Case No. 18-1604-EL-UNC
)	
)	
)	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a Tariff Change)	
)	
)	Case No. 18-1656-EL-ATA

**MOTION FOR PROTECTIVE ORDER OF
OHIO EDISON COMPANY,
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY**

Pursuant to O.A.C. 4901-1-24(D), Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the “Companies”) move for a protective order keeping confidential certain information contained in the Post-Hearing Reply Brief of the Companies because the information is the confidential information of the Companies. The Companies filed portions of their Reply Brief under seal.

Accordingly, the Companies request that the Commission grant this Motion and protect from disclosure the confidential information in their Reply Brief. A Memorandum in Support of this Motion is attached hereto and incorporated herein by reference.

Respectfully Submitted,

/s/ James F. Lang

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ATTORNEYS FOR OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
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MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, the “Companies”) request that the Commission protect from public disclosure certain information designated on Attachment A hereto as confidential. The designated information appears on page 33 of the Companies’ Post-Hearing Reply Brief. The Companies have made good faith efforts to limit the amount of information for which confidential treatment is sought.

Ohio law and the Commission's rules provide for the protection of confidential and proprietary information. Specifically, O.A.C. 4901-1-24(A) provides the Commission may issue:

[A]ny order which is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Such a protective order may provide that: . . .

(7) A trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way.

Pursuant to O.A.C. 4901-1-24(D), the Commission also may issue an order 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.

Pursuant to R.C. § 1333.61(D), a "trade secret" is:

[A]ny 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. [And]

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Ohio law grants special protections to such trade secrets, including statutory causes of action for an injunction precluding the misappropriation of trade secrets. *See* R.C. § 1333.62. The Commission has recognized the statutory obligation to protect trade secrets, even in the context of its preference for open proceedings, and has previously carried out its obligations in this regard in numerous proceedings. *See In re: General Telephone Co.*, Case No. 81-383-TP-AIR (Entry, February 17, 1982) (recognizing necessity of protecting trade secrets); *See, e.g., Elyria*

Tel. Co., Case No. 89-965-TP-AEC (Finding and Order, September 21, 1989); *Ohio Bell Tel. Co.*, Case No. 89-718-TP-ATA (Finding and Order, May 31, 1989); *Columbia Gas of Ohio, Inc.*, Case No. 90-17-GA-GCR (Entry, August 17, 1990).

Here, the Companies are seeking to prevent disclosure of the proprietary, confidential business information of the Companies. This information is derived from data sources produced to other parties to these proceedings pursuant to a nondisclosure agreement solely for purposes of providing information in discovery to facilitate the resolution of the above-captioned cases. The Companies consider and have treated the information as a trade secret. The supporting document that contains the confidential information – ELPC Ex. 23-C – was marked and admitted as a confidential document at hearing. Further, in the ordinary course of business of the Companies, this information is treated as proprietary and confidential by the Companies and their employees. It is not disclosed to anyone without proper safeguards.

Attachment A to this Memorandum in Support lists the information which has been redacted from the associated filing. For the foregoing reasons, the Companies request that the designated information be protected from public disclosure.

Respectfully Submitted,

/s/ James F. Lang

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 12th day of March, 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties of record.

/s/ James F. Lang
One of the Attorneys for Ohio Edison Company,
The Cleveland Electric Illuminating Company, and
The Toledo Edison Company

Attachment A

Companies' Post-Hearing Reply Brief

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Summary: Motion for Protective Order electronically filed by Mr. James F Lang on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company