

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Cobra)
Pipeline Company, Ltd. for an Increase in Its) Case No. 16-1725-PL-AIR
Rates and Charges.)

In the Matter of the Application of Cobra)
Pipeline Company, Ltd. for an Emergency) Case No. 18-1549-PL-AEM
Increase in Its Rates and Charges.)

**MOTION FOR PROTECTIVE ORDER BY NORTHEAST OHIO NATURAL GAS
CORP.**

Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-24(D), Northeast Ohio Natural Gas Corp. (“NEO”)¹ respectfully moves for a protective order regarding information claimed to be confidential, proprietary, and/or competitively sensitive by Cobra Pipeline Company, Ltd. (“Cobra”). As part of discovery in this proceeding, Cobra provided information to NEO, subject to a protective agreement, and Cobra asserts that certain information included in its Post-Hearing Reply Brief is confidential, proprietary, and/or competitively sensitive under Ohio law. Accordingly, NEO moves the Commission to issue such order as is necessary to protect portions of NEO’s Motion to Strike, which contains references to information that Cobra asserts to be confidential, proprietary and/or competitively sensitive. Subject to and without waiving any of

¹ On March 1, 2019, Brainard Gas Corp., Orwell Natural Gas Company, Northeast Ohio Natural Gas Corp., and Spellman Pipeline Holdings LLC merged into Northeast Ohio Natural Gas Corp. as the sole surviving entity. The Commission approved the merger on January 3, 2019. *See In the Matter of the Joint Application of Brainard Gas Corp., Northeast Ohio Natural Gas Corp., Orwell Natural Gas Company, and Spellman Pipeline Holdings, LLC for Approval of a Merger*, Finding and Order (Jan. 3, 2019), ¶ 1. As such, for purposes of this Motion, intervenors Brainard Gas Corp., Northeast Ohio Natural Gas Corp., and Orwell Natural Gas Company, formerly referred to as the “Companies” in prior motions and briefing, will be collectively identified as Northeast Ohio Natural Gas Corp. or “NEO”.

NEO's rights under the protective agreement, NEO is filing a confidential version of the Motion to Strike under seal.

By filing the Motion for Protective Order ("Motion"), NEO does not concede that the information is confidential, proprietary, and/or competitively sensitive, especially since Cobra never filed its own motion for a protective order explaining the basis of its confidentiality claim as required by Ohio Adm. Code 4901-1-24(D). However, NEO acknowledges that Cobra provided the confidential version of the Reply pursuant to the parties' protective agreement. The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully Submitted,

/s/ N. Trevor Alexander

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MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

Northeast Ohio Natural Gas Corp. (“NEO”) files this Motion for Protective Order (“Motion”) contemporaneously with the filing of its Motion to Strike under seal. NEO understands that Cobra Pipeline Company, Ltd. (“Cobra”) considers certain information in the Motion to Strike to be confidential and/or competitively sensitive and deserving of protection under Ohio law. Accordingly, NEO moves for a protective order pursuant to Ohio Adm. Code 4901-1-24(D).

On March 8, 2019, Cobra filed its Post-Hearing Reply Brief (“Reply”) in the above-captioned proceeding, which purportedly contained confidential information in Exhibit 1. However, in filing a confidential version of the Reply under seal, Cobra did not file a motion for a protective order, setting forth the basis of the motion and its confidentiality claims as required by Ohio Adm. Code 4901-1-24(D). As such, NEO is unable to identify any basis of Cobra’s claim of confidentiality. Nevertheless, NEO files this Motion out of an abundance of caution given the purported sensitivity and confidentiality of the information in question.

Given that NEO's Motion to Strike references and seeks to strike information contained in the Reply that Cobra maintains is confidential (i.e., Exhibit 1), NEO moves the Commission for protection of this information in the Motion to Strike. By filing this Motion, NEO does not concede that any of the information in Cobra's Post-Hearing Reply Brief is confidential, proprietary, and/or competitively sensitive or deserving of protection from public disclosure under Ohio Adm. Code 4901-1-24(D).

For the foregoing reasons and subject to the foregoing reservations of rights, the Commission should grant the Motion.

Respectfully Submitted,

/s/ N. Trevor Alexander

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CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Protective Order was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 15th day of March, 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Trevor Alexander

One of the Attorneys for Northeast Ohio
Natural Gas Corp.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/15/2019 9:07:54 AM

in

Case No(s). 16-1725-PL-AIR, 18-1549-PL-AEM

Summary: Motion for Protective Order electronically filed by Mr. Trevor Alexander on behalf of Northeast Ohio Natural Gas Corp.