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**Via E-FILE**

August 1, 2019

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

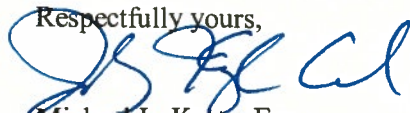
**In re: Case No. 19-1537-EL-RDR**

Dear Sir/Madam:

Please find attached JSW STEEL OHIO, INC.'s MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT and MOTION FOR PROTECTIVE ORDER e-filed today in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Michael L. Kurtz", is written over the typed name.

Michael L. Kurtz, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew

Encl.

Cc: Certificate of Service

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company to Adjust : Case No. 19-1537-EL-RDR  
the Economic Development Cost Recovery Rider Rate. :

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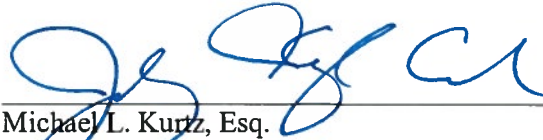
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**MOTION TO INTERVENE  
OF JSW STEEL OHIO, INC.**

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Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, JSW Steel Ohio, Inc. ("JSW Steel") moves for leave to intervene in this proceeding. The Public Utilities Commission of Ohio ("Commission") should grant JSW Steel leave to intervene because JSW Steel has a real and substantial interest in the proceeding, and the Commission's disposition of this proceeding may impair or impede JSW Steel's ability to protect that interest.

Respectfully submitted,



Michael L. Kurtz, Esq.

Jody Kyler Cohn, Esq.

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August 1, 2019

**COUNSEL FOR JSW STEEL OHIO, INC.**

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company to Adjust : Case No. 19-1537-EL-RDR  
the Economic Development Cost Recovery Rider Rate. :

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**MEMORANDUM IN SUPPORT OF  
JSW STEEL OHIO, INC.'s MOTION TO INTERVENE**

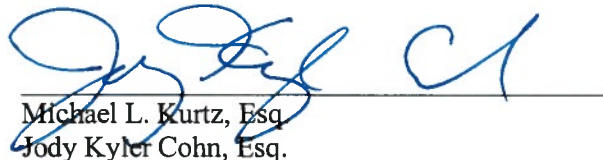
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Pursuant to R.C. 4903.221 and Ohio Adm. Code 4901-1-11, JSW Steel files this Memorandum in Support of its Motion to Intervene.

JSW Steel is a large energy-user that purchases electric service from Ohio Power Company pursuant to a reasonable arrangement approved by the Commission. The interests of JSW Steel may be directly affected by the outcome of this proceeding and cannot be adequately represented by any other party. JSW Steel's intervention would not unduly delay the proceeding nor unjustly prejudice any existing party. JSW Steel intends to play a constructive role in this case and provide information which will assist the Commission.

Accordingly, JSW Steel has a real and substantial interest and is entitled to intervene in this action under R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

Respectfully submitted,



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Michael L. Kurtz, Esq.  
Jody Kyler Cohn, Esq.

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August 1, 2019

**COUNSEL FOR JSW STEEL OHIO, INC.**

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company to Adjust : Case No. 19-1537-EL-RDR  
the Economic Development Cost Recovery Rider Rate. :

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**MOTION FOR PROTECTIVE ORDER  
OF JSW STEEL OHIO, INC.**

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Pursuant to Ohio Adm. Code 4901-1-24, JSW Steel Ohio, Inc. ("JSW") moves for a protective order keeping confidential the JSW-specific information contained in Schedule Nos. 2 and 5 of Ohio Power Company's ("AEP Ohio" or "Company") August 1, 2019 Application to adjust its Economic Development Cost Recovery Rider ("EDR") rate in the above-captioned proceeding. The redacted information is customer-specific pricing and usage data that is confidential, proprietary, and trade secret, and that merits protection from disclosure. A memorandum in support of this Motion is attached.

Respectfully submitted,



Michael L. Kurtz, Esq.

Jody Kyler Cohn, Esq.

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August \_\_, 2019

**COUNSEL FOR JSW STEEL OHIO, INC.**

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company to Adjust : Case No. 19-1537-EL-RDR  
the Economic Development Cost Recovery Rider Rate. :

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**MEMORANDUM IN SUPPORT OF  
THE OHIO ENERGY GROUP'S  
MOTION FOR PROTECTIVE ORDER**

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Ohio Adm. Code 4901-1-24(A) provides that upon motion of any party, the Public Utilities Commission of Ohio ("Commission"), its legal director, deputy legal director, or an attorney examiner may issue a protective order providing that "[a] trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way." The Commission can protect such information 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.

R.C. 1333.61(D) defines a "trade secret" as:

*[I]nformation, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any 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.*

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

The law further prohibits the release of information meeting the definition of a trade secret. R.C. 1331.61(D) and 1333.62. Moreover, the General Assembly carved out an exception to the general rule in favor of the public disclosure of information in the Commission's possession; "public records" do not include records the release of which is prohibited by state or federal law. R.C. 149.43(A)(1).

Here, the customer-specific pricing and usage data that JSW seeks to protect constitutes confidential, proprietary, and trade secret information that warrants the Commission's protection. JSW's customer-specific pricing and usage data is not generally known to or readily ascertainable to other persons who can obtain economic value from its disclosure. JSW also engages in reasonable efforts to maintain the secrecy of that load data, for good

reason. Public disclosure of the redacted data would undermine JSW's ability to compete by providing its competitors with detailed business information about its electric pricing and load characteristics, frustrating a central objective of JSW's reasonable arrangement.

Protection of the redacted information is not inconsistent with the purposes of Title 49. The Commission, Staff, and other parties executing protective agreements will still have full access to the information in order to review AEP Ohio's EDR adjustment. Moreover, protection of the customer-specific information would be consistent with the Commission's decisions with respect to such information in previous AEP Ohio EDR cases.<sup>1</sup>

For the foregoing reasons, JSW respectfully requests that the JSW-specific information contained in Schedule Nos. 2 and 5 of the Application be protected from public disclosure.

Respectfully submitted,



Michael L. Kurtz, Esq.  
Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

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August 1, 2019


**COUNSEL FOR JSW STEEL OHIO, INC.**

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<sup>1</sup> Finding and Order, Case No. 19-232-EL-RDR (March 20, 2019); Finding & Order, Case No. 18-191-EL-RDR (March 28, 2018); Finding and Order, Case No. 17-1714-EL-RDR (September 13, 2017); Finding & Order, Case No. 17-295-EL-RDR (March 29, 2017); Finding and Order, Case No. 16-1684-EL-RDR (September 22, 2016).

## CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 1<sup>st</sup> day of August, 2019 to the following:

  
\_\_\_\_\_  
Michael L. Kurtz, Esq.  
Jody Kyler Cohn, Esq.

\*NOURSE, STEVEN T MR.

AMERICAN ELECTRIC POWER SERVICE CORPORATION  
1 RIVERSIDE PLAZA, 29TH FLOOR  
COLUMBUS OH 43215

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/1/2019 2:03:54 PM**

**in**

**Case No(s). 19-1537-EL-RDR**

Summary: Motion JSW Steel Ohio Motion to Intervene and Motion for Protective Order electronically filed by Mr. Michael L. Kurtz on behalf of JSW Steel Ohio, Inc.