

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application by the       )  
Ohio Gas Company for Approval of       )  
the Special Arrangement for Firm Gas       )  
Transportation Service with       )  
Campbell Soup Supply Co. LLC.       )

Case No. 17-2475-GA-AEC

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**MOTION OF OHIO GAS COMPANY TO EXTEND PROTECTIVE ORDER  
AND MEMORANDUM IN SUPPORT**

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**November 27, 2019**

**Attorney for Ohio Gas Company**

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THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**MOTION OF OHIO GAS COMPANY TO EXTENDED  
PROTECTIVE ORDER**

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Pursuant to Rule 4901-1-24, Ohio Administrative Code ("O.A.C."), Ohio Gas Company ("Ohio Gas") respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a decision extending the Protective Order, which is necessary to protect the confidentiality and prohibit the disclosure of the confidential information contained in the Application filed under seal, which is not subject to disclosure and includes competitively sensitive and highly proprietary business information comprising of trade secrets. Public disclosure of the pricing information would jeopardize both parties' business position and their ability to compete. The grounds for this Motion are set forth in the attached Memorandum in Support.

Respectfully Submitted,

/s/ Matthew R. Pritchard  
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**ATTORNEY FOR OHIO GAS COMPANY**

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION AND BACKGROUND**

On December 11, 2017, Ohio Gas Company ("Ohio Gas") and Campbell Soup Supply Co. LLC ("Campbell") entered into a Special Arrangement for Firm Gas Transportation Service. As part of the Application, Ohio Gas filed Appendix A to the Special Arrangement separately and under seal because it contains confidential and proprietary information related to the pricing of services provided by Ohio Gas to Campbell. The information in Appendix A is extremely sensitive because Ohio Gas faces competition in the provision of transportation service from another facilities-based provider. In its Finding and Order approving the Application, the Commission issued a protective order for a period of 24 months and provided an opportunity to extend the protective order. In this instance, Ohio Gas is asking the Commission to extend the protective order regarding the pricing of the services it is providing under this Special Arrangement.

**II. ARGUMENT**

As noted above, the pricing information associated with this Special Arrangement contains competitively sensitive and highly proprietary business information that constitutes trade secrets under Ohio law and the Commission's rules.

Rule 4901-1-24(D), O.A.C., provides for the issuance of an order that is necessary to protect the confidentiality of information contained in documents filed at the Commission to the extent that state and federal law prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. State law also recognizes the need to protect information that is confidential in nature, as is the pricing information contained in the Special Arrangement. The Commission has statutory authority to protect trade secrets.<sup>1</sup> Additionally, non-disclosure of the pricing information will not impair the purposes of Title 49 as the Commission and its Staff will have full access to the confidential information in order to complete its review process.

The pricing information constitutes a trade secret. The definition of trade secret contained in R.C. 1333.61(D) is as follows:

“Trade secret” means information, 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.

R.C. 1333.61(D) (emphasis added).

Clearly, Ohio Gas’s price information contained within Appendix A is proprietary data and is confidential. Public disclosure of the pricing information would jeopardize both parties’ business position and their ability to compete. Pricing terms are routinely

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<sup>1</sup> See R.C. 4901.12 and 4905.07.

accorded protected status by the Commission, and the Commission has granted protective treatment regarding similar agreements between Ohio Gas and other customers for reasons similar to those discussed herein.<sup>2</sup> And, as noted above, the Commission has already found the pricing information at issue here is a confidential trade secret and granted a protective order for 24 months. The price information Ohio Gas seeks to continue protecting derives independent economic value from not being generally known and not being readily ascertainable by proper means by competitors, and that is as true today as it was when the contract was initially filed under seal. Further, the efforts to protect the confidential pricing information are reasonable under the circumstances.

### **III. CONCLUSION**

Ohio Gas respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully Submitted,

/s/ Matthew R. Pritchard

Matthew R. Pritchard (Reg. No. 0088070)

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**ATTORNEY FOR OHIO GAS COMPANY**

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<sup>2</sup> *In the Matter of the Application of Ohio Gas Company for Approval of a Special Arrangement to Provide Firm Gas Transportation Service to Worthington Industries, Inc.*, Case No 12-757-GA-AEC, Finding and Order at 2 (March 21, 2012) (hereinafter "*Worthington Case*"); *Worthington Case*, Entry at 2 (August 13, 2013); *In the Matter of the Application of Ohio Gas Company for Approval of a Special Arrangement to Provide Firm Gas Transportation Service to Bailey-PVS Oxides (Delta), LLC.*, Case No. 12-758-GA-AEC, Finding and Order at 2 (March 21, 2012) (hereinafter "*Bailey Case*"); *Bailey Case*, Entry at 2 (August 13, 2013).

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion of Ohio Gas Company to Extend Protective Order and Memorandum in Support* was served upon the following parties of record this 27<sup>th</sup> day of November 2019.

/s/ Matthew R. Pritchard

Matthew R. Pritchard

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**ON BEHALF OF THE PUBLIC UTILITIES  
COMMISSION OF OHIO**

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

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**Case No(s). 17-2475-GA-AEC**

Summary: Motion of Ohio Gas Company to Extend Protective Order and Memorandum in Support electronically filed by Mr. Matthew R. Pritchard on behalf of Ohio Gas Company