

**Before the Public Utilities Commission of Ohio**

In the Matter of the Application of Ohio Industrial )  
Energy, LLC for a Certification to Provide Services as ) Case No. 16-1101-EL-AGG  
a Competitive Retail Electric Service Provider )

**Motion of Ohio Industrial Energy for a Protective Order**

Frank P. Darr (0025469)  
6800 Linbrook Blvd.  
Columbus, Ohio 43235  
(614) 390-6750  
[fdarr2019@gmail.com](mailto:fdarr2019@gmail.com)  
Counsel for Ohio Industrial Energy,  
LLC

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician MI Date Processed 0200 MAY 11 1208 2020

**Before the Public Utilities Commission of Ohio**

In the Matter of the Application of Ohio Industrial )  
Energy, LLC for a Certification to Provide Services as ) Case No. 16-1101-EL-AGG  
a Competitive Retail Electric Service Provider )

**Motion of Ohio Industrial Energy, LLC for a Protective Order**

Under Rule 4901-1-24, Ohio Administrative Code, Ohio Industrial Energy, LLC moves for a Protective Order to protect credit information supplied by the applicant in support of its application to renew its certificate. The reasons supporting this motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Frank P. Darr  
Frank P. Darr (0025469)  
6800 Linbrook Blvd.  
Columbus, Ohio 43235  
(614) 390-6750  
fdarr2019@gmail.com  
Counsel for Ohio Industrial Energy,  
LLC  
Will accept service by email

**Memorandum in Support of the Motion of Ohio Industrial Energy, LLC for a Protective Order**

Ohio Industrial Energy, LLC (“OIE”) has filed an application seeking renewal of its certificate as a broker and aggregator. While the Public Utilities Commission of Ohio (“Commission”) provides for confidential treatment of some information submitted with renewal applications, it is not automatic as to other information that an applicant may seek to have remain under seal. In support of its application to renew its certificate, OIE has filed under seal credit information that it wishes to remain confidential. For the reasons stated below, OIE respectfully requests that the credit information remain under seal under a protective order.

State law recognizes the need to protect information that is confidential. R.C. 4901.12 and 4905.07. Applying this authority, Commission Rule 4901-1-24(D) provides that the Commission may issue a protective order on a motion showing that the information contained in documents filed at the Commission if federal or state 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.

Trade secrets protected by state law are not considered public records and are exempt from public disclosure. R.C. 149.43. Trade secrets include business information such as plans and financial information that derive independent economic value, either actual or potential, from not being known to or being readily ascertainable by proper means by other persons that can obtain economic value from its disclosure and that is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. R.C. 1333.61(D).

An application for renewal of a certificate requires the applicant to provide credit information. In support of its renewal application, OIE submitted Exhibit C-7. That Exhibit

contains credit information of the owners of OIE. The credit information is confidential business information that is valuable to OIE and its owners and derives value because it remains confidential. Accordingly, the information in Exhibit C-7 falls within the statutory characterization of a trade secret.

*The non-disclosure of the credit 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.*

Because issuance of the order would be lawful and reasonable, the Commission should grant the motion for a protective order.

Respectfully submitted,

/s/ Frank P. Darr  
Frank P. Darr (0025469)  
6800 Linbrook Blvd.  
Columbus, Ohio 43235  
(614) 390-6750  
fdarr2019@gmail.com  
Counsel for Ohio Industrial Energy,  
LLC  
Will accept service by email

**Certificate of Service**

I certify that a copy of this Motion of Ohio Industrial Energy, LLC for a Protective Order was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on May 11, 2020. The Commission's efilng system will electronically service notice of the filing on the parties.

/s/ Frank P. Darr

Frank P. Darr