

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Verde)
Energy USA Ohio, LLC for Certification as) Case No. 11-5886-EL-CRS
a Competitive Retail Electric Supplier.)

In the Matter of the Renewal Application of)
Verde Energy USA Ohio, LLC for) Case No. 13-2164-GA-CRS
Certification as a Retail Natural Gas)
Marketer.)

**MOTION FOR PROTECTIVE ORDER
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by Verde Energy USA Ohio, LLC ("Verde").¹ As part of discovery in this proceeding, Verde provided information to OCC, subject to a protective agreement, and Verde asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the Memorandum Contra Verde Energy USA Ohio, LLC's July 6, 2020 Motion for Protective Order by the Office of the Ohio Consumers' Counsel (the "Memo Contra") that are asserted to be confidential by Verde. Subject to OCC's rights under the protective agreement, OCC is filing the Memo Contra under seal and is also filing a public version that shows all information not claimed by the Verde to be confidential.

¹ This Motion is filed pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12, and 4901-1-24(D).

By filing the instant Motion, OCC does not concede that the information constitutes trade secret information. To the contrary, as explained in the Memo Contra, the redacted information is not a trade secret. But OCC acknowledges that it has obtained this information under a protective agreement with Verde that provides for such information to be treated as confidential and protected unless and until the PUCO rules that the information must be publicly disclosed under Ohio law.

The grounds for this Motion are more fully described in the accompanying memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Christopher Healey
Christopher Healey (0086027)
Counsel of Record
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MEMORANDUM IN SUPPORT

OCC files this Motion contemporaneously with the filing of the Memo Contra. In filing this motion, OCC does not concede that the information in the Memo Contra is trade secret information pursuant to R.C. 1333.61(D) and does not concede that the information deserves protection from public revelation under Ohio Adm. Code 4901-1-24(D).

OCC understands that Verde considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC's understanding is based on allegations by Verde that the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *See* R.C. 1333.61(D). Under the assertions made by Verde, at this time, confidential treatment of the redacted information in the Memo Contra would be appropriate, unless and until the PUCO rules that the information must be publicly disclosed under Ohio law.

In addition, OCC is filing a public version of the Memo Contra so that all information not claimed by the Verde to be confidential is accessible for the public's review. The public version does not contain information that was asserted by Verde to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this motion should be granted at this time.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Christopher Healey
Christopher Healey (0086027)
Counsel of Record
Angela D. O'Brien (0097579)
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*Special Counsel for the Office of the Ohio
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion was served on the persons stated below via electronic transmission this 21st day of July 2020.

/s/ Christopher Healey _____
Christopher Healey
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Motion Motion for Protective Order by The Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Healey, Christopher