

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Power Company to Adjust : Case No 19-232-EL-RDR
the Economic Development Cost Recovery Rider Rate. :

**MOTION FOR CONTINUATION OF PROTECTIVE TREATMENT
BY JSW STEEL OHIO, INC.**

Pursuant to Ohio Adm. Code 4901-1-24 and the Public Utilities Commission of Ohio's ("Commission") March 20, 2019 Finding & Order in this proceeding,¹ JSW Steel Ohio, Inc. ("JSW") moves for an order continuing protective treatment of the JSW-specific information contained in Schedule Nos. 2 and 6 of Ohio Power Company's ("AEP Ohio" or "Company") January 29, 2019 Application to adjust its Economic Development Cost Recovery Rider ("EDR") rate. The protected information is customer-specific pricing and usage data that remains confidential, proprietary, and trade secret, and that continues to merit protection from disclosure. A memorandum in support of this Motion is attached.

Respectfully submitted,

/s/ Michael L. Kurtz

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January 14, 2021

COUNSEL FOR JSW STEEL OHIO, INC.

¹ March 20, 2019 Finding & Order at ¶13.

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MEMORANDUM IN SUPPORT

Ohio Adm. Code 4901-1-24(A) provides that upon motion of any party, the 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).

As the Commission found in its March 20, 2019 Finding & Order in this proceeding, the customer-specific pricing and usage data that JSW seeks to continue protecting constitutes confidential, proprietary, and trade secret information. 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.

Continuing 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. Moreover, continued protection of the customer-specific information would be consistent with the Commission's treatment of such information in previous AEP Ohio EDR cases.²

For the foregoing reasons, JSW respectfully requests that the JSW-specific information contained in Schedule Nos. 2 and 6 of the Application remain protected from public disclosure.

Respectfully submitted,

/s/ Michael L. Kurtz

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² 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 14th day of January, 2021 to the following:

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Summary: Motion JSW Steel Ohio Motion for Continuation of Protective Treatment electronically filed by Mr. Michael L. Kurtz on behalf of JSW Steel Ohio, Inc.