

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE RENEWAL)	
APPLICATION OF CHOICE ENERGY, LLC)	
FOR CERTIFICATION AS A COMPETITIVE)	Case No. 13-1016-EL-CRS
RETAIL ELECTRIC SERVICE PROVIDER IN)	
ACCORDANCE WITH OHIO ADMINISTRATIVE)	
CODE CHAPTER 4901:1-21)	

CHOICE ENERGY, LLC'S MOTION FOR PROTECTIVE ORDER

Choice Energy, LLC ("Choice"), by its attorneys and pursuant to Section 4901-1-24(D) of the Commission's rules (O.A.C. §4901-1-24(D)) hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for a protective order keeping confidential the information contained in Attachments B-2, C-2 (including C-2a and C-2b), C-3, and C-9 to Choice's Renewal Application for Certification as a Competitive Retail Electric Service Provider ("Application"). The reasons underlying this Motion are detailed in the attached Memorandum in Support. Consistent with the requirements of Section 4901-1-24(D) of the Commission's Rules, unredacted copies of the confidential information which is the subject of this motion have been filed under seal.



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**MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER**

Choice Energy, LLC (“Choice”) respectfully requests that the Public Utilities Commission of Ohio (“PUCO”) issue a protective order granting confidential treatment of Attachments B-2, C-2 (including C-2a and C-2b), C-3, and C-9 to the accompanying Renewal Application of Choice for Certification as a Competitive Retail Electric Supplier (“Application”), along with any and all copies, including electronic copies. These Attachments contain Choice’s “Financial Statements,” “Forecasted Financial Statements,” and “Financial Arrangements,” and respectively.

Section 4901-1-24(D) of the Commission’s rules provide that the Commission and designated staff may issue an order which is necessary to protect the confidentiality of information contained in documents filed with the Commission’s Docketing Division:

to the extent that state or federal law prohibits the release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or an attorney examiner to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

As set forth herein, state law prohibits the release of the information which is the subject of this motion as a protected “trade secret.” Moreover, the non-disclosure of the information will not impair the purposes of Title 49.

The Ohio Supreme Court has instructed that the following factors set forth in the Uniform Trade Secrets Act are relevant to determining whether information constitutes trade secrets under Ohio law:

(1)The extent to which the information is known outside the business; (2) the extent to which it is known inside the business, *i.e.*, by the employees; (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information; (4) the savings effected and the value to the holder in having the information as against competitors; (5) the amount of effort or money expended in obtaining and developing the information; and (6) the amount of time and expense it would take for others to acquire and duplicate the information.

State ex rel. The Plain Dealer v. Ohio Dept of Ins., 80 Ohio St. 3d 513 (1997).

Attachments B-2, C-2 (including C-2a and C-2b), C-3, and C-9 to the Application contain highly confidential trade secret information. First, Choice is a privately held corporation and does not disclose the information contained in the Attachments to anyone outside of the company other than its attorneys and accountants. Second, within the company, Choice only discloses this information to its management team. Third, Choice has taken appropriate precautions to guard the secrecy of the information including stamping it as confidential in the ordinary course of business and filing it under seal in other jurisdictions where it serves as retail electric supplier. Finally, release of the information Choice seeks to protect is likely to result in a competitive disadvantage for Choice, as it contains the intimate details of Choice's current and projected finances and its strategic allocation of resources for the Ohio power market.

For the foregoing reasons, the Commission, pursuant to Rule 4901-1-24(D), should grant Choice's Motion for a Protective Order to Protect the Confidentiality of Information Contained in Attachments B-2, C-2 (including C-2a and C-2b), C-3, and C-9.

Respectfully submitted,



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Summary: Motion Motion for Protective Order for confidential information in Choice Energy, LLC renewal application electronically filed by Ms. Katherine M Dailey on behalf of Choice Energy, LLC d/b/a 4 Choice Energy, LLC