BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Power Company to Adjust the Economic Development Cost Recovery Rider Rate.	: : : :	21-831-EL-RDR

MOTION FOR PROTECTIVE ORDER OF JSW STEEL OHIO, INC.

Pursuant to Ohio Adm. Code 4901-1-24, JSW Steel Ohio, Inc. ("JSW") moves for a protective order keeping confidential the JSW-specific information contained in Schedule Nos. 2 and 4 of Ohio Power Company's ("AEP Ohio" or "Company") July 29, 2021 Application to adjust its Economic Development Cost Recovery Rider ("EDR") rate. The redacted information is customer-specific pricing and usage data that is confidential, proprietary, and trade secret, and that merits protection from disclosure. A memorandum in support of this Motion is attached.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
E-Mail: mkurtz@BKLlawfirm.com
jkylercohn@BKLlawfirm.com

August 2, 2021

COUNSEL FOR JSW STEEL OHIO, INC.

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Power Company to Adjust the Economic Development Cost Recovery Rider Rate.	: : : :	21-831-EL-RDR

MEMORANDUM IN SUPPORT OF
JSW STEEL OHIO, INC's
MOTION FOR PROTECTIVE ORDER

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

Here, the customer-specific pricing and usage data that JSW seeks to protect constitutes confidential, proprietary, and trade secret information that warrants the Commission's protection. 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.

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 in order to review AEP Ohio's EDR adjustment. Moreover, protection of the customer-specific information would be consistent with the Commission's decisions with respect to such information in previous AEP Ohio EDR cases.[1]

For the foregoing reasons, JSW respectfully requests that the JSW-specific information contained in Schedule Nos. 2 and 4 of the Application be protected from public disclosure.

Respectfully submitted,

/s/ Michael L. Kurtz

Michael L. Kurtz, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
E-Mail: mkurtz@BKLlawfirm.com
jkylercohn@BKLlawfirm.com

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COUNSEL FOR JSW STEEL OHIO, INC.

[1] Finding & Order, Case No. 20-349-EL-RDR (April 8, 2020); Finding & Order, Case No. 19-232-EL-RDR (March 20, 2019); 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 2nd day of August, 2021 to the following:

/s/ Michael L. Kurtz
Michael L. Kurtz, Esq.
Jody Kyler Cohn, Esq.

Steven T. Nourse, Esq.
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215

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Summary: Motion JSW Steel Ohio Motion for Protective Order and Memorandum in Support electronically filed by Mr. Michael L. Kurtz on behalf of JSW Steel Ohio, Inc.