

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the)
Reconciliation Rider of Duke Energy Ohio,) Case No. 20-167-EL-RDR
Inc.)

MOTION FOR PROTECTIVE ORDER

Pursuant to Ohio Adm.Code 4901-1-02(E), 4901-1-12, and 4901-1-24(D), the Ohio Manufacturers' Association Energy Group (OMAEG) hereby files this motion for protective order with the Public Utilities Commission of Ohio (Commission), seeking protective treatment of information asserted to be confidential by Duke Energy Ohio, Inc. (Duke). The Testimony of John Seryak contains information from the document titled "Audit of the Price Stabilization Rider of Duke Energy Ohio," which Duke asserts constitutes trade secret information under Ohio law.

OMAEG hereby requests that, in accordance with Ohio Adm.Code. 4901-1-02(E), the Commission issue such order as is necessary to protect the information contained in the redacted portions of the Testimony of John Seryak, which Duke has asserted are confidential. Pursuant to OMAEG's rights under the protective agreement, OMAEG is filing the Testimony of John Seryak under seal, and is also filing a public version of the Testimony of John Seryak which includes all information not claimed by Duke to be confidential.

By filing this motion for protective order, OMAEG does not concede that the information for which protection is sought constitutes trade secret information; however, OMAEG acknowledges that it has obtained said information pursuant to a protective agreement with Duke that provides for such information to be treated as confidential and protected (subject to

OMAEG's right under the protective agreement to initiate a process by which the Commission may determine whether the information should be afforded confidential treatment under Ohio law). The grounds for this motion are more fully discussed in the accompanying memorandum in support.

Respectfully Submitted,

/s/ Kimberly W. Bojko

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MEMORANDUM IN SUPPORT

OMAEG files its motion for protective order (“Motion”) contemporaneously with the Testimony of John Seryak in this proceeding. In filing this Motion, OMAEG does not concede that the information in the Testimony of John Seryak is trade secret information pursuant to R.C. 1333.61(D), and further does not concede that the information is deserving of protection from public disclosure under Ohio Adm.Code 4901-1-24(D).

OMAEG understands that Duke considers the information contained in the redacted portions of the Testimony of John Seryak to be confidential and deserving of protection as trade secret information pursuant to R.C. 1333.61(D). OMAEG’s understanding is based on claims by Duke that the information would enable competitors to ascertain the manner in which Duke plans and manages its Rider PSR compliance efforts and the cost associated therewith.¹

Under the assertions made by Duke, at this time, confidential treatment of the information contained in the redacted portions of the Testimony of John Seryak would be appropriate, subject to OMAEG’s rights under its protective agreement with Duke to initiate a process to determine whether the information should be protected. In addition, OMAEG is filing a public version of the Testimony of John Seryak so that all information not claimed by Duke to be confidential is accessible to the public.

¹ See Duke Energy Ohio, Inc.’s Motion for a Protective Order at 4 (Oct. 21, 2020).

For the aforementioned reasons, the Commission should grant the motion for protective order sought herein.

Respectfully Submitted,

/s/ Kimberly W. Bojko

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio'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 the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on October 26, 2021 upon the parties listed below.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

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Summary: Motion for Protective Order electronically filed by Mrs. Kimberly W. Bojko
on behalf of OMA Energy Group