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December 27, 2021

The Honorable Megan Addison
Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Staff's Response to Motion for
Protective Order,
Case No. 21-868-EL-BGN

Dear Judge Addison:

On December 13, 2021, Scioto Farms Solar Project, LLC ("Applicant") filed a motion for protective order under Ohio Administrative Code ("Ohio Adm.Code") 4906-2-21(D). Specifically, Applicant asks the Ohio Power Siting Board ("Board") to have the following financial information kept confidential: anticipated capital and intangible costs; cost comparisons with other facilities; operation and maintenance expenses; and payrolls. These items are in section 4906-4-06 of the Application narrative. Applicant also seeks to keep confidential detailed analysis regarding the anticipated economic impact of the project, which is found in Exhibit G to the Application. According to Applicant, the public disclosure of this sensitive economic information would have an adverse effect on it.

In support of its motion, Applicant refers to R.C. 1333.61 through 1333.69, which states that a court shall use reasonable means to preserve a trade secret. R.C. 1333.65. A "trade secret" is defined by the Revised Code as information that (1) derives independent actual or potential economic value from not being generally known by other persons able to obtain economic value from its disclosure or use and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. R.C. 1333.61(D). According to Ohio Adm.Code 4906-2-21(D), upon motion by any party, the Board may issue any order which is necessary to protect the confidentiality of information in a document to the extent that federal or state law prohibits the release of the information. Applicant avers that non-disclosure of the economic information will not impair the purposes of Title 49 of the Revised Code, in compliance with Ohio Adm.Code 4906-2-21(D).

Staff of the Board does not oppose Applicant's motion to keep the economic information in section 4906-4-06 of the Application narrative and Exhibit G to the Application confidential.

Respectfully submitted,

/s/ Thomas M. Shepherd

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**On behalf of Staff of the
Ohio Power Siting Board**

cc: Parties of Record

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Summary: Response electronically filed by Mrs. Tonnetta Y. Scott on behalf of
OPSB