

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Power	)	Case No. 18-1004-EL-RDR
Purchase Agreement Rider of Ohio Power	)	
Company for 2018.	)	

In the Matter of the Review of the Power	)	Case No. 18-1759-EL-RDR
Purchase Agreement Rider of Ohio Power	)	
Company for 2018.	)	

---

**MOTION FOR PROTECTIVE ORDER  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by Ohio Power Company ("AEP").<sup>1</sup> As part of discovery in this proceeding, AEP provided information to OCC, subject to a protective agreement, and AEP asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of the Testimony of Devi Glick on Behalf of the Office of the Ohio Consumers' Counsel (the "Glick Testimony") that are asserted to be confidential by AEP. Subject to OCC's rights under the protective agreement, OCC is filing the Glick Testimony under seal and is also filing a public version that shows all information not claimed by AEP to be confidential.

---

<sup>1</sup> This Motion is filed pursuant to Ohio Am. Code 4901-1-02(E), 4901-1-12, and 4901-1-24(D).

By filing this motion, OCC does not concede that the information constitutes trade secret information. But OCC acknowledges that it has obtained this information under a protective agreement with AEP that provides for such information to be treated as confidential and protected unless and until the PUCO rules that the information must be publicly disclosed under Ohio law.

The grounds for this motion are more fully described in the accompanying memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ John Finnigan  
Christopher Healey (0086027)  
Counsel of Record  
William Michael (0070921)  
John Finnigan (0018689)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Healey]: (614) 466-9571  
Telephone [Michael]: (614) 466-1291  
Telephone [Finnigan]: (614) 466-9585  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[john.finnigan@occ.ohio.gov](mailto:john.finnigan@occ.ohio.gov)  
(willing to accept service by e-mail)

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Power	)	Case No. 18-1004-EL-RDR
Purchase Agreement Rider of Ohio Power	)	
Company for 2018.	)	

In the Matter of the Review of the Power	)	Case No. 18-1759-EL-RDR
Purchase Agreement Rider of Ohio Power	)	
Company for 2018.	)	

---

**MEMORANDUM IN SUPPORT**

---

OCC files this Motion contemporaneously with the filing of the Glick Testimony. In filing this motion, OCC does not concede that the information in the Glick Testimony is trade secret information pursuant to R.C. 1333.61(D) and does not concede that the information deserves protection from public revelation under Ohio Adm. Code 4901-1-24(D).

OCC understands that AEP considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC's understanding is based on allegations by AEP that the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *See* R.C. 1333.61(D). Under the assertions made by AEP, at this time, confidential treatment of the redacted information in the Glick Testimony would be appropriate, unless and until the PUCO rules that the information must be publicly disclosed under Ohio law.

In addition, OCC is filing a public version of the Glick Testimony so that all information not claimed by AEP to be confidential is accessible for the public's review. The public version does not contain information that was asserted by AEP to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this motion should be granted at this time.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ John Finnigan  
Christopher Healey (0086027)  
Counsel of Record  
William Michael (0070921)  
John Finnigan (0018689)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Healey]: (614) 466-9571  
Telephone [Michael]: (614) 466-1291  
Telephone [Finnigan]: (614) 466-9585  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[john.finnigan@occ.ohio.gov](mailto:john.finnigan@occ.ohio.gov)  
(willing to accept service by e-mail)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Motion for Protective Order was served on the persons stated below via electronic transmission this 29th day of December 2021.

/s/ John Finnigan

John Finnigan

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

## **SERVICE LIST**

[kyle.kern@ohioAGO.gov](mailto:kyle.kern@ohioAGO.gov)  
[thomas.lindgren@ohioAGO.gov](mailto:thomas.lindgren@ohioAGO.gov)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)  
[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)

Attorney Examiners:

[sarah.parrot@puco.ohio.gov](mailto:sarah.parrot@puco.ohio.gov)  
[greta.see@puco.ohio.gov](mailto:greta.see@puco.ohio.gov)

[stnourse@aep.com](mailto:stnourse@aep.com)  
[EGallon@porterwright.com](mailto:EGallon@porterwright.com)  
[mjschuler@aep.com](mailto:mjschuler@aep.com)  
[matthew@msmckenzieltld.com](mailto:matthew@msmckenzieltld.com)  
[mpritchard@mcneeslaw.com](mailto:mpritchard@mcneeslaw.com)  
[tlong@mcneeslaw.com](mailto:tlong@mcneeslaw.com)  
[bmckenney@mcneeslaw.com](mailto:bmckenney@mcneeslaw.com)  
[megan.wachpress@sierraclub.org](mailto:megan.wachpress@sierraclub.org)  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[donadio@carpenterlipps.com](mailto:donadio@carpenterlipps.com)  
[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on  
12/29/2021 4:59:45 PM**

**in**

**Case No(s). 18-1004-EL-RDR, 18-1759-EL-RDR**

Summary: Motion Motion for Protective Order by Office of the Ohio Consumers'  
Counsel electronically filed by Ms. Deb J. Bingham on behalf of Finnigan, John