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	)))	Case No. 22-0745-EL-RDR

MOTION FOR PROTECTIVE ORDER

Pursuant to Ohio Adm. Code 4901-1-24(D), PRO-TEC Coating Company, LLC (PRO-TEC) moves the Public Utilities Commission of Ohio (Commission) for a protective order to keep confidential, and not offer as part of the public record, information related to PRO-TEC's approved reasonable arrangement with the Ohio Power Company (AEP Ohio), contained in Schedule 4 to AEP Ohio's Application in the above-referenced proceeding.[1] The reasons underlying this motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Kimberly W. Bojko
Kimberly W. Bojko (0069402)
(Counsel of Record)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
Bojko@carpenterlipps.com
(willing to accept service by email)

Counsel for PRO-TEC

[1] *See* Application at Schedule 4 (August 1, 2022).

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MEMORANDUM IN SUPPORT

PRO-TEC hereby respectfully requests that confidential treatment be given to the information related to PRO-TEC's approved reasonable arrangement with AEP Ohio, contained in Schedule 4 to AEP Ohio's Application in the above-referenced proceeding.[2] The information for which protection from public disclosure is sought concerns confidential load data for PRO-TEC. AEP Ohio redacted PRO-TEC's information from Schedule 4 to its Application and filed for a Protective Order concurrently with its Application to protect information of recipients of reasonable arrangements.[3]

Ohio Adm. Code 4901-1-24(D) provides that the Commission or certain designated Commission employees "may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information." Ohio law protects trade secrets by not considering them public records and exempting them from public disclosure.[4]

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2 *Id.*

3 *See* AEP Ohio's Motion for Protective Order (August 1, 2022).

4 *See* R.C. 149.43 (A)(1)(v); *State ex rel. The Plain Dealer v. Ohio Dept. of Insurance*, 80 Ohio St.3d 513, 530 (1997).

Under R.C. 1333.61(D),

> "Trade secret" means information, 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.[5]

The information concerning PRO-TEC contained in Schedule 4 to AEP Ohio's Application in this proceeding satisfies the standard for trade secrets established in R.C. 1333.61(D), as it is competitively sensitive and proprietary business and financial information. Public disclosure of this information would jeopardize PRO-TEC's ability to compete. The Commission has previously afforded protective treatment to similar information in other proceedings.[6] Moreover, the Commission granted PRO-TEC a protective order under identical circumstances in the previous Economic Development Cost Recovery Rider proceedings.[7]

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5 R.C. 1333.61(D) (emphasis added).

6 *See, e.g.*, *In the Matter of the Application for Establishment of a Reasonable Arrangement Between Presrite Corporation and the Cleveland Electric Illuminating Company*, Case No. 17-1981-EL-AEC, Opinion and Order at ¶ 18 (March 14, 2018); *In the Matter of the Application of the TimkenSteel Corporation for Approval of a Unique Arrangement for the TimkenSteel Corporation's Stark County Facilities*, Case No. 15-1857-EL-AEC, Opinion and Order at 6–7 (December 16, 2015).

7 *See In the Matter of the Application of Ohio Power Company to Adjust its Economic Development Rider Rate*, Case No. 20-349-EL-RDR, Finding and Order at ¶ 13 (April 8, 2020); *In the Matter of the Application of Ohio Power Company to Adjust its Economic Development Rider Rate*, Case No. 20-1340-EL-RDR, Finding and Order at ¶ 13 (September 23, 2020); *In the Matter of the Application of Ohio Power Company to Adjust its Economic Development Rider Rate*, Case No. 21-104-EL-RDR, Finding and Order at ¶ 13 (March 24, 2021); *In the Matter of the Application of Ohio Power Company*

Accordingly, for the reasons specified herein, PRO-TEC respectfully requests that the Commission grant this motion for a protective order and maintain the information contained in Schedule 4 to AEP Ohio's Application in this proceeding in confidential form in order to prevent the public disclosure of trade secrets related to PRO-TEC's operations.

Respectfully submitted,

/s/ Kimberly W. Bojko
Kimberly W. Bojko (0069402)
(Counsel of Record)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
Bojko@carpenterlipps.com
(willing to accept service by email)

Counsel for PRO-TEC

to Adjust its Economic Development Rider Rate, Case No. 21-831-EL-RDR, Finding and Order at ¶ 13 (September 8, 2021); *In the Matter of the Application of Ohio Power Company to Adjust its Economic Development Rider Rate*, Case No. 22-088-EL-RDR, Finding and Order at ¶ 13 (March 23, 2022).

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 August 16, 2022 upon the parties listed below.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

stnourse@aep.com
jkylercohn@BKLlawfirm.com
mkurtz@BKLlawfirm.com

Summary: Motion for Protective Order and Memorandum in Support electronically filed by Mrs. Kimberly W. Bojko on behalf of PRO-TEC Coating Company, LLC