

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE OVEC GENERATION)
PURCHASE RIDER AUDITS REQUIRED BY R.C.)
4928.148 FOR DUKE ENERGY OHIO, INC., THE)
DAYTON POWER & LIGHT COMPANY, AND) CASE NO.21-0477-EL-RDR
AEP OHIO.)

**MOTION FOR PROTECTIVE ORDER OF CITIZENS UTILITY BOARD OHIO AND
UNION OF CONCERNED SCIENTISTS**

Pursuant to the provisions of Rule 4901-1-24(D), Ohio Administrative Code (“O.A.C.”), Citizens Utility Board of Ohio (“CUB Ohio”) and Union of Concerned Scientists (“UCS”) (collectively “Movants”) jointly move the Public Utilities Commission of Ohio (“PUCO”) for a protective order that provides that the unredacted version of the Initial Brief filed on behalf of CUB Ohio and UCS on February 12, 2024, in this proceeding remain under seal for the reasons set forth in the attached Memorandum in Support.

February 12, 2024

Respectfully Submitted,

/s/ Trent Dougherty
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MEMORANDUM IN SUPPORT

CUB Ohio and UCS file their joint motion for protective order (Motion) contemporaneously with their Joint Initial Post Hearing Brief in this proceeding. CUB Ohio and UCS request confidential treatment for its Initial Brief as it references information asserted to be confidential by each of the applicants in this proceeding, Duke Energy Ohio, Dayton Power & Light Company, and AEP Ohio (collectively “the Companies”). As part of discovery in this proceeding, the Companies provided confidential information to CUB Ohio and UCS subject to protective agreements filed on the docket, and asserting information to be, among other things, trade secrets protected by Ohio law.

By filing this Motion, Movants do not concede that the information constitutes trade secret information, but acknowledge that this information was obtained pursuant to a protective agreement with the Companies that provides for such information to be treated as confidential and protected. CUB Ohio and UCS understand that the Companies consider the undisclosed (redacted) information to be confidential and

deserving of the protection of trade secret information as defined in R.C. 1333.61(D). CUB Ohio and UCS's understanding is based on claims by the Companies 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. Under the assertions made by the Companies, at this time, confidential treatment of the redacted information in the Joint Initial Post-Hearing Brief would be appropriate, subject to CUB Ohio and UCS's rights under its protective agreement with the Companies to initiate a process to determine whether the information should be protected.

In addition, CUB Ohio and UCS are filing a public version of the DJoint Initial Post-Hearing Brief so that all information not claimed by the Companies to be confidential is accessible for the public's review. The public version does not contain information that was asserted by the Companies 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,

/s/ Trent Dougherty
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing, *Motion for Protective Order* has been served via electronic mail upon the counsel of record in this proceeding on February 12, 2024.

/s/ Trent Dougherty

Trent Dougherty

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 21-0477-EL-RDR

Summary: Motion Motion for Protective Order by Citizens Utility Board of Ohio and Union of Concerned Scientists electronically filed by Mr. Trent A. Dougherty on behalf of Citizens Utility Board of Ohio and Union of Concerned Scientists.