

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 27, 2013

[Cite as *08/27/2013 Case Announcements*, 2013-Ohio-3684.]

MOTION AND PROCEDURAL RULINGS

2012-1484. In re Fuel Adjustment Clauses for Columbus S. Power Co.

Public Utilities Commission, Nos. 09-872-EL-FAC and 09-873-EL-FAC. This cause is pending before the court as an appeal and cross appeal from the Public Utilities Commission of Ohio.

On January 2, 2013, appellee/cross-appellant Industrial Energy Users-Ohio (“IEU”) filed a motion for protective order, seeking to prevent public access to certain information contained in its second merit brief and second supplement.

Appellant/cross-appellee Ohio Power Company filed a memorandum in support on January 14, 2013, urging the court to grant IEU’s motion because the information sought to be protected contains trade secrets of Ohio Power.

On May 17, 2013, the commission granted a motion for protective order, ordering its docketing division to keep under seal the same information sought to be protected by IEU and Ohio Power before this court. The commission’s order maintains these documents under seal as trade secrets and exempts them from public disclosure for a period of 18 months, ending on November 17, 2014. The May 17 order constitutes a renewal of an earlier protective order issued by the commission that pertains to the same information. That earlier protective order—issued on June 29, 2010—had expired on December 29, 2011. *See In re Fuel Adjustment Clauses for Columbus S. Power Co. & Ohio Power Co.*, Nos. 09-872-EL-FAC and 09-873-EL-FAC, at 2 (Jan. 23, 2012).

Because the commission has again found that the information sought to be protected constitutes trade secrets and has renewed the protection of that information below, we grant IEU’s motion and order that the documents sought to be protected will remain under seal by the clerk of court until November 17, 2014.

Our decision renders moot the arguments contained in IEU's motion and Ohio Power's memorandum in support, and we decline to rule on them.

Pfeifer, J., dissents and would deny the motion for protective order.