

IN THE SUPREME COURT OF OHIO

In the Matter of the Application of : Case No. 14-1505
The Dayton Power and Light Company for : Appeal from the Public Utilities
Approval of Its Electric Security Plan, etc. : Commission of Ohio
:
: Public Utilities Commission of Ohio
: Case Nos. 12-426-EL-SSO,
: 12-427-EL-ATA,
: 12-428-EL-AAM,
: 12-429-EL-WVR, and
: 12-672-EL-RDR
:
:

**MOTION OF CROSS-APPELLANT THE DAYTON POWER AND LIGHT
COMPANY FOR LEAVE TO FILE A PUBLIC VERSION OF ITS BRIEF**

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**MOTION OF CROSS-APPELLANT THE DAYTON POWER AND LIGHT
COMPANY FOR LEAVE TO FILE A PUBLIC VERSION OF ITS BRIEF**

Pursuant to S.Ct.Prac.R. 4.01(A), Cross-Appellant The Dayton Power and Light Company moves for leave to file a public version of the Brief of Cross-Appellant The Dayton Power and Light Company ("Public Brief"). The Public Brief redacts only highly confidential, proprietary business information taken directly from DP&L Ex. 4A, WJC-5, which contains trade secrets under R.C. 1333.61. Jan. 20, 2015 Motion of Cross-Appellant The Dayton Power and Light Company for Leave to File Papers Under Seal.

DP&L has concurrently moved to file under seal an unredacted version of the Brief ("Confidential Brief"), as well as the Supplement to the Brief of Cross-Appellant The Dayton Power and Light Company (Volume III). The latter includes only DP&L Ex. 4A, WJC-5. DP&L asks to file Public Brief so as to use the least restrictive means available for maintaining the confidentiality of the DP&L Ex. 4A, WJC-5.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF MOTION OF CROSS-APPELLANT
THE DAYTON POWER AND LIGHT COMPANY
FOR LEAVE TO FILE A PUBLIC VERSION OF ITS BRIEF**

DP&L filed this motion at the request of the Court's Clerk. Pursuant to S.Ct.Prac.R. 4.01(A), Cross-Appellant The Dayton Power and Light Company moves for leave to file a redacted, public version of the Brief of Cross-Appellant The Dayton Power and Light Company ("Public Brief"). The Public Brief redacts only highly confidential, proprietary business information taken directly from DP&L Ex. 4A, WJC-5, which contains trade secrets under R.C. 1333.61. Jan. 20, 2015 Motion of Cross-Appellant The Dayton Power and Light Company for Leave to File Papers Under Seal ("Motion to File Under Seal").

As demonstrated in the Motion to File Under Seal, the Court should restrict public access to DP&L Ex. 4A, WJC-5 under Sup. R. 45(E)(2). That does not mean, however, that the Court should restrict access to DP&L's Public Brief.

Under Sup. R. 45(E)(3),

"When restricting public access to a case document or information in a case document pursuant to this division, *the court shall use the least restrictive means available*, including but not limited to the following:

- (a) *Redacting the information rather than limiting public access to the entire document;*
- (b) Restricting remote access to either the document or the information while maintaining its direct access;
- (c) Restricting public access to either the document or the information for a specific period of time;
- (d) Using a generic title or description for the document or the information in a case management system or register of actions;
- (e) Using initials or other identifier for the parties' proper names."

(Emphasis added.)

Allowing DP&L to file a Public Brief is the least restrictive means available for maintaining the confidentiality of DP&L Ex. 4A, WJC-5. The Public Brief redacts only highly confidential, proprietary business information taken directly from that exhibit, thereby preserving the ability of the public to access the remainder of DP&L's Brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of Cross-Appellant The Dayton Power and Light Company for Leave to File a Public Version of Its Brief has been served via electronic mail, upon the following counsel of record, this 20th day of January, 2015:

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