

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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2008 OCT 31 PM 4:20

In the Matter of the Application of)
Columbus Southern Power Company for)
Approval of its Electric Security Plan; an)
Amendment to its Corporate Separation)
Plan; and the Sale or Transfer of Certain)
Generation Assets.)

Case No. 08-917-EL-SSO

PUCO

In the Matter of the Application of Ohio)
Power Company for Approval of its)
Electric Security Plan; and an Amendment)
to its Corporate Separation Plan.)

Case No. 08-918-EL-SSO

**MOTION FOR PROTECTIVE ORDER REGARDING PORTIONS OF THE
TESTIMONY AND CERTAIN EXHIBITS OF EMILY MEDINE**

**BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Pursuant to Ohio Adm. Code 4901-1-24, the Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission ("PUCO" or "Commission") for a protective order regarding information alleged to be confidential by the Ohio Power Company and the Columbus Southern Power Company ("Companies"). In response to OCC's discovery requests, the Companies have provided information to the OCC that is subject to a protective agreement. The Companies allege that this information constitutes trade secret under Ohio law, and that non-disclosure is consistent with the purposes of R.C. Title 49.

In OCC's effort to obtain information pertinent to this proceeding, OCC has requested and obtained information regarding fuel procurement for the Companies, and accordingly, the OCC hereby requests that the Commission issue such an order as is

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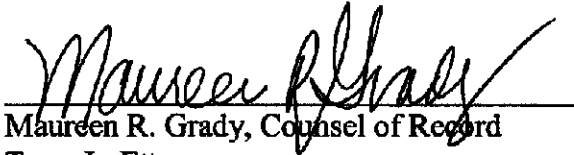
necessary to protect the portions of the testimony of Emily Medine (including Attachments EVA 11, 12, & 14 and EVA Exhibit B) that contain information that the Companies allege to be confidential. The OCC is filing the testimony of Emily Medine under seal, and filing a redacted public version, pursuant to OCC's rights under the protective agreement.

By this motion ("Motion"), the OCC does not concede that the information constitutes trade secret under Ohio law. However, the OCC acknowledges that it has obtained this information pursuant to a protective agreement with the Companies which, at this time, provides for such information to be treated as confidential and protected (subject to OCC's rights under the protective agreement that includes the right to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law.)

The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

A handwritten signature in black ink, appearing to read "Maureen R. Grady", is written over a horizontal line.

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MEMORANDUM IN SUPPORT

Contemporaneously with the filing of this Motion, the testimony and exhibits of Emily Medine are being filed under seal in this matter.¹ The public version of Ms. Medine's testimony and exhibits are also being filed for viewing by the public. The public version reflects the redaction of information that was alleged by the Companies to be confidential as part of the discovery process, pursuant to the protective agreement executed between OCC and the Companies.

The OCC understands that the Companies consider the redacted information to be confidential and deserving of the status of trade secret as defined in R.C. 1333.61(D). Such assertions would be based on claims by the Companies that the information (1) derives economic value, actual or potential, from not being known to, and not being

¹ Such information was designated as confidential by the Companies, subject to the OCC's rights under the protective agreement. OCC, nonetheless, retains the right to initiate the process for the PUCO to decide if confidential treatment is appropriate.

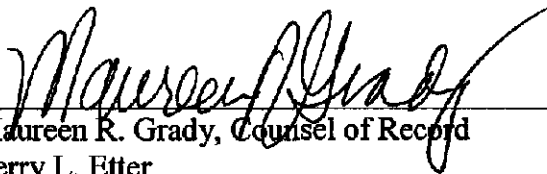
readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Under the assertions made by the Companies, confidential treatment of portions of the testimony and certain exhibits attached would be appropriate at this time, subject to the OCC's rights under the protective agreement to initiate a process to determine whether the information should be protected.

Without conceding that the information included in Ms. Medine's testimony that the Companies allege to be confidential meets the standard for trade secrets under R.C. 1333.61(D) and deserves protection from public revelation under R.C. 4901.12 and R.C. 149.43, the OCC files the instant Motion to protect the information at this time. Accordingly, the OCC requests that the Commission issue such order as is necessary to protect portions of the testimony and certain exhibits of OCC Witness Medine that have been filed under seal.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion for Protective Order should be granted.

Respectfully submitted,

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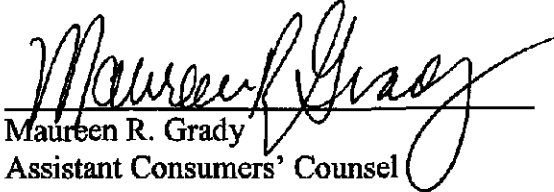
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Protective Order by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via first class U.S. Mail, postage prepaid (also a courtesy copy via electronic transmission), this 31st day of October, 2008.


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