

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Columbus Southern Power Company for)
Approval of its Electric Security Plan; an) **Case No. 08-917-EL-SSO**
Amendment to its Corporate Separation)
Plan; and the Sale or Transfer of Certain)
Generating Assets.)

In the Matter of the Application of Ohio)
Power Company for Approval of its)
Electric Security Plan; and an Amendment) **Case No. 08-918-EL-SSO**
to its Corporate Separation Plan.)

**COLUMBUS SOUTHERN POWER COMPANY'S AND
OHIO POWER COMPANY'S
REPLY MEMORANDUM TO OCC'S
MEMORANDUM CONTRA
MOTION TO STRIKE PORTION OF BRIEF**

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Columbus Southern Power Company and Ohio Power Company (the Companies) have moved to strike a portion of the Post-Hearing Brief filed by the Ohio Consumers' Counsel (OCC) and the Sierra Club Ohio Chapter. The basis of the motion was that the portion of the brief identified included argument supported by testimony of an individual who testified on behalf of OCC in some other case, but did not testify in this proceeding.

OCC (but not the Sierra Club Ohio Chapter) filed a memorandum contra the motion on January 14, 2009. In its filing, OCC withdrew parts of the offending portion of its brief and all footnotes referring to the individuals' testimony as support for the assertions in the portions of the brief OCC would leave in the brief.

The Companies appreciate OCC's willingness to withdraw the parts of the brief identified in its memorandum contra. Since it is not clear whether the Sierra Club also withdraws those parts on its behalf, and since the Sierra Club has not responded to the

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Companies' motion the Commission should make clear that it is striking at least the portion of the brief identified by OCC.

The Commission also should strike the remaining portion of the brief that has been identified by the Companies. By OCC removing the footnotes which supported the arguments OCC would keep in the brief, there no longer is any support in the brief for those arguments. Those intervenors presented arguments based on "testimony" outside the record. They should not be permitted to retain those arguments in the brief, especially now that the cited support has been withdrawn. The Companies motion should be granted.

Respectfully submitted,



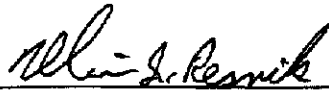
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Columbus Southern Power Company's and Ohio Power Company's Reply Memorandum to OCC's Memorandum Contra Motion to Strike Portion of Brief was served by electronic mail upon the individuals listed below this 16th day of January, 2009.


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