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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Columbus )  
Southern Power Company and Ohio Power )  
Company for Authority to Recover Costs )  
Associated with the Construction and Ultimate )  
Operation of an Integrated Gasification )  
Combined Cycle Electric Generating Facility )

Case No. 05-376-EL-UNC

COLUMBUS SOUTHERN POWER COMPANY'S  
AND OHIO POWER COMPANY'S  
MOTION TO EXTEND PROTECTIVE ORDER

Pursuant to § 4901-1-24(F), Ohio Admin. Code, Columbus Southern Power Company  
And Ohio Power Company (the Companies) move to extend the protective order renewed by the  
Commission through its Attorney Examiner's April 29, 2009, Entry in this proceeding. Without  
an extension of the Commission's protective order, that order would expire October 10, 2010, 18  
months after the Commission's prior protective order expired on April 10, 2009.

The materials that are covered by the existing protective order, and for which the  
Companies seek to extend the protective order, were substantially reduced at the time of the  
hearing.<sup>1</sup> No transcript has been kept protected on behalf of the Companies. Only portions of  
OCC Ex. 6 and 7, OEG Ex. 3, and IEU Ex. 8 are protected at the request of the Companies, and  
redacted versions of those exhibits are in the public record. The protected material pertains  
primarily to site selection analyses performed in the "Eastern State Site Selection Study"

<sup>1</sup> On September 1, 2005 GE/Bechtel filed several exhibits and portions of transcript that had been redacted to protect confidential information. The Companies' motion to extend this protective order does not address the unredacted version of the exhibits and transcript referenced in that September 1, 2005 filing. The Companies understand that GE/Bechtel will be filing their own motion to extend the protective order as it applies to the materials specified in the September 1, 2005 filing. Because the Companies are concerned about the willingness of vendors to share confidential information with the Companies in the future, and the chilling effect a ruling on extension of the protective order that is adverse to GE/Bechtel would have on the Ohio utility industry's ability to work with vendors on a basis where confidentiality can be maintained, the Companies add their support to GE/Bechtel's motion to extend the protective order.

prepared by Sargent & Lundy and in the Battelle Site Screening Analysis for Geologic CO<sub>2</sub> Sequestration Suitability for AEP, dated October 20, 2004. This material remains deserving of further protection. In their August 8, 2005 motion to maintain confidentiality and in subsequent motions, to extend the Commission's Protective Order, including most recently the Companies' February 23, 2009, motion, the Companies included the affidavits of Michael Dancison, on behalf of the Companies, Steven Bertheau, on behalf of Sargent & Lundy, and James Manuel, on behalf of Battelle Memorial Institute (Battelle).

The affidavits supporting the August 8, 2005 motion established, regarding the Sargent & Lundy site selection study, that:

1. The protected information contains site evaluation data, ranking criteria, weighted values used, and total weighted scores for the studied sites;
2. The protected information is treated confidentially by Sargent & Lundy and is not released in the public domain;
3. The protected information represents Sargent & Lundy's work product and has commercial value to Sargent & Lundy;
4. The protected information could be used by competitors of Sargent & Lundy as a basis for providing similar services to other clients; and
5. Sargent & Lundy will suffer competitive harm if the Commission releases the protected information into the public domain.

The affidavits supporting the August 8, 2005 motion established, regarding Battelle's Site Screening Analysis for Geologic CO<sub>2</sub> Sequestration Suitability that:

1. The protected material contains Battelle's evaluation methodology concerning geologic CO<sub>2</sub> sequestration suitability;
2. The evaluation methodology is treated confidentially by Battelle and is not released into the public domain;
3. This protected material represents Battelle's work product and has commercial value to Battelle. This material could be used by competitors of Battelle as a basis for providing similar services to other clients; and

4. Battelle will suffer competitive harm if the Commission permits this information to be treated in a non-confidential manner.

Regarding both reports, those supporting affidavits also established:

1. The list of sites in the reports is not in the public domain, because the identification of all of the specific sites is strategically important to AEP (the Companies and their affiliates within the American Electric Power system) concerning future expansion plans. Knowledge of those sites by third parties has the potential to be used by competitors to impact efforts by AEP to use those sites for power plants in the future.
2. The sites listed in the reports include development activities proposed by non-affiliated entities with whom AEP has Non-Disclosure Agreements concerning proposed projects there;
3. Disclosure of the relative scoring of the individual sites is likely to harm AEP and other non-affiliated entities by placing AEP or those entities at a competitive disadvantage in any negotiations with third parties in securing necessary ownership or other rights to those sites. For example, AEP may need to acquire other parcels or rights of way for those sites in the future to support development of a power plant at those sites;
4. Disclosure of the relative scoring of the individual sites is likely to harm AEP and other non-affiliated entities by placing AEP or those entities at a competitive disadvantage in any negotiations with third parties in disposing of those sites with low rankings. For example, a potential purchase could use the low perceived value of the site to AEP for a power plant as a reason to seek a lower price for the parcel; and
5. AEP has maintained the reports and lists of sites as confidential and has not released those reports to third parties without requiring them to execute a Non-Disclosure Agreement.

The original affidavits of Messrs. Dancison (on behalf of the Companies, Bertheau (on behalf of Sargent & Lunday), and Manuel (on behalf of Battelle) submitted with the original motion for protective order in 2005 and the updated affidavits submitted with each motion to renew the protective order have supported protecting the confidential information from disclosure. Once again the new affidavits of Messrs. Duellman (on behalf of the Companies), Bertheau, and Manuel (attached as exhibits 1, 2, and 3 respectively), which adopt and reiterate the facts included in the affidavits supporting the Companies' motion in 2005, support the Companies' current motion to extend the protection afforded the material in question.

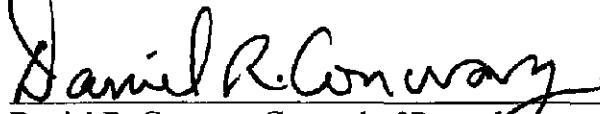
The law supporting extended protection of the currently protected materials is the same as considered by the Commission in its April 10, 2006, Opinion and Order (affirmed on rehearing) and, most recently, in its April 29, 2009, Entry in this case. Consequently, as a matter of law, this material still is entitled to protection from public disclosure. Further, because this information will remain commercially valuable for a prolonged period of time into the future, the Companies request, and urge, the Commission to extend the existing Protective Order for a period of four years.

The information being submitted with this motion already has been found to present “sufficient reason to extend the protective order” and to constitute “trade secret, confidential information.” (April 29, 2009 Entry, p. 4, Case No. 05-375-EL-UNC. That Entry, for example, found that “the site selection study specifically includes information as to numerous sites throughout the eastern United States and an evaluation of each site.” (*Id.*) Further, the Entry held that “the protected information retains a significant share of its value to AEP-Ohio, and its third party vendors, S&L, Battelle and GE/Bechtel, in the design, and engineering of the proposed IGCC facility.” (*Id.*).

Nothing has changed in regard to these findings since that Entry was issued. Therefore, the Commission should renew the Protective Order it previously has granted for the information covered by this motion. Further because it is expected that the site selection/evaluation information will retain its trade secret status for many years it is reasonable to extend the Protective Order for a period of four years.

Therefore, the Commission should grant the Companies' motion to extend the Protective Order.

Respectfully Submitted,



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Attorneys for Columbus Southern Power Company  
and Ohio Power Company

**AFFIDAVIT OF DANIEL M. DUELLMAN**

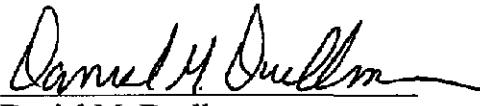
State of Ohio :  
: ss  
County of Franklin :

Daniel M. Duellman being first duly sworn according to law, deposes and says:

1. This affidavit is based on my personal knowledge.
2. I am employed by American Electric Power Service Corporation ("AEP").
3. I am Director of New Generation Engineering for AEP. My responsibilities include new power plant engineering, carbon capture and storage projects, generation research and development, power plant technology assessments, new generation site selection, and new generation project development.
4. The Sargent & Lundy "Eastern States Site Selection Study", dated November 11, 2004 and the Battelle "Site Screening Analysis of Geologic CO<sub>2</sub> Sequestration Suitability for AEP", dated October 20, 2004: (herein collectively referred to as the "Reports") were accomplished under the direction of my predecessor, Michael D. Dancison, and AEP management. The key employees responsible for these studies that previously reported to Mr. Dancison now report directly to me.
5. The Reports should remain confidential for the following reasons:
  1. The list of sites in the Reports is not in the public domain, because the identification of all of the specific sites is strategically important to AEP concerning its future expansion plans. Knowledge of those sites by third parties has the potential to be used by competitors to impact efforts by AEP to use those sites for power plants in the future.
  2. The sites listed in the Reports include development activities proposed by non-affiliated entities with whom AEP has Non-Disclosure Agreements concerning proposed projects there.
  3. Disclosure of the relative scoring of the individual sites is likely to harm AEP and other non-affiliated entities by placing AEP or those entities in a competitive disadvantage in any negotiations with third parties in securing necessary ownership or other rights to those sites. For example, AEP may need to acquire other parcels or rights of way for those sites in the future to support development of a power plant at those sites.

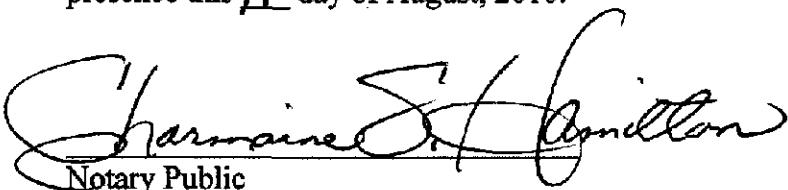
4. Disclosure of the relative scoring of the individual sites is likely to harm AEP and other non-affiliated entities by placing AEP or those entities in a competitive disadvantage in any negotiations with third parties in disposing of those sites with low rankings. For example, a potential purchaser could use the low perceived value of the site to AEP for a power plant as a reason to seek a lower price for the parcel.
5. AEP has maintained the Reports and list of sites as confidential and has not released those reports to third parties without requiring them to execute a Non-Disclosure Agreement.

FURTHER AFFIANT SAYETH NAUGHT



Daniel M. Duellman  
Daniel M. Duellman

Sworn to before me and subscribed in my presence this 11 day of August, 2010.



Charmaine S. Hamilton  
Notary Public



CHARMAINE S. HAMILTON  
Notary Public, State of Ohio  
My Commission Expires 05-14-2012

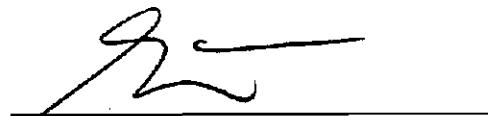
**AFFIDAVIT OF STEVEN R. BERTHEAU**

State of Illinois :  
: ss  
County of Cook :

Steven R. Bertheau, being first duly sworn according to law, deposes and says.

1. I am Senior Vice President of Sargent & Lundy, LLC.
2. I have reviewed my affidavit filed in Case No. 05-376-EL-UNC on August 5, 2005 and the statements contained in Paragraph Nos. 2 through 6 of that affidavit remain true today.

FURTHER AFFIANT SAYETH NAUGHT.

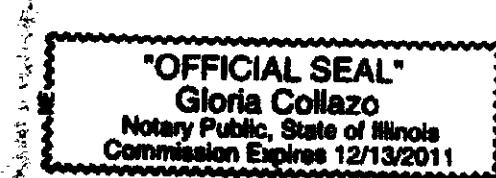


\_\_\_\_\_  
Steven R. Bertheau

Sworn to before me and subscribed in my  
Presence this 10 day of August, 2010.



\_\_\_\_\_  
Gloria Collazo  
Notary Public



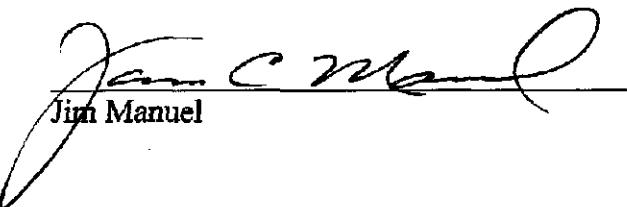
**AFFIDAVIT OF JIM MANUEL**

State of Ohio :  
: ss  
County of Franklin :

Jim Manuel, being first duly sworn according to law, deposes and says:

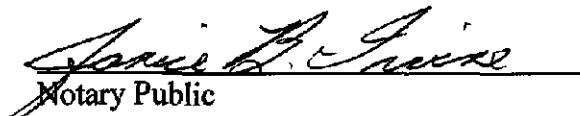
1. I am Associate General Counsel of Battelle Memorial Institute.
2. I have reviewed my affidavit filed in Case No. 05-376-EL-UNC on August 5, 2005 and the statements contained in Paragraph Nos. 2 and 4 through 6 of that affidavit remain true today.

FURTHER AFFIANT SAYETH NAUGHT.



Jim Manuel

Sworn before me and subscribed in my  
Presence this 12 day of August, 2010.



Janice B. Irvine  
Notary Public



Janice B. Irvine, Notary Public  
State of Ohio  
My Commission Expires 9/25/2010

## CERTIFICATE OF SERVICE

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's motion to Extend Protective Order was served by U.S. Mail or electronic mail upon counsel identified below for all parties of record this 25<sup>th</sup> day of August, 2010.



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