

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	Case No. 11-346-EL-SSO
Columbus Southern Power Company and	)	Case No. 11-348-EL-SSO
Ohio Power Company for Authority to	)	
Establish a Standard Service Offer	)	
Pursuant to §4928.143, Ohio Rev. Code,	)	
in the Form of an Electric Security Plan.	)	

In the Matter of the Application of	)	Case No. 11-349-EL-AAM
Columbus Southern Power Company and	)	Case No. 11-350-EL-AAM
Ohio Power Company for Approval of	)	
Certain Accounting Authority.	)	

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**MOTION FOR PROTECTIVE ORDER  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission ("PUCO" or "Commission") for a protective order regarding information asserted to be confidential by Columbus Southern Power Company and Ohio Power Company ("AEP Ohio" or "Companies").<sup>1</sup> As part of discovery in this proceeding, AEP Ohio provided certain information to OCC, subject to a protective agreement. The Companies assert that this information is proprietary and competitively-sensitive confidential, and constitutes trade secrets under Ohio law, and that non-disclosure is not inconsistent with the purposes of R.C. Title 49.

OCC hereby requests that the Commission issue such order as is necessary to protect the portions of the Direct Testimony of Anthony J. Yankel ("Yankel Testimony"),

<sup>1</sup> This Motion is filed pursuant to Ohio Adm. Code 4901-1-24(D).

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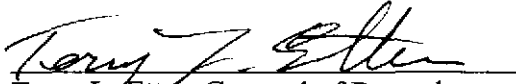
filed on behalf of OCC in this proceeding, that AEP Ohio deems confidential. OCC is filing the Yankel Testimony under seal, and is filing a redacted public version, subject to OCC's rights under the protective agreement and provisions of Ohio law.

By filing the instant motion, OCC does not concede that the information constitutes trade secrets. However, OCC acknowledges that it has obtained this information pursuant to a protective agreement with the Companies that provides for such information to be treated as confidential and protected (subject to OCC's right under the protective agreement to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law, and otherwise according to law).

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

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



Terry L. Etter, Counsel of Record  
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**MEMORANDUM IN SUPPORT**

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Contemporaneously with the filing of this Motion, OCC is filing the testimony of three witnesses in this matter. The testimony of two OCC witnesses – Daniel J. Duann and Mack A. Thompson – does not contain information that AEP Ohio deems confidential. The Yankel Testimony, however, contains information gained during discovery that the Companies assert to be competitively-sensitive confidential. Accordingly, OCC is filing the Yankel Testimony under seal, pursuant to Ohio Adm. Code 4901-1-24(D)(2) and the protective agreement between OCC and AEP Ohio. OCC is also filing a version of the Yankel Testimony for viewing by the public, with the purportedly confidential information redacted pursuant to Ohio Adm. Code 4901-1-24(D)(1) and the protective agreement between OCC and AEP Ohio.

Without conceding that the allegedly confidential information meets the standard for trade secrets and deserves protection from public revelation under R.C. 1333.61(D), OCC files the instant Motion to protect the information. Accordingly, OCC requests that

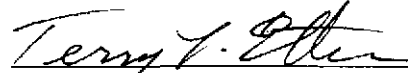
the Commission issue such order as is necessary to protect the Yankel Testimony as filed under seal. Such information was designated as confidential by AEP Ohio, subject to OCC's rights under the protective agreement. OCC, nonetheless, retains the right to initiate the process for the PUCO to decide if confidential treatment is appropriate.

OCC understands that AEP Ohio considers the redacted information to be confidential and deserving of the status of trade secrets 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 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 such assertions, confidential treatment of the unredacted Yankel Testimony would be appropriate, subject to OCC's rights under the protective agreement to initiate a process to determine whether the information should be protected, and otherwise according to law.

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

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

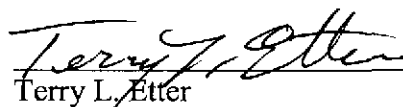


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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Protective Order by the Office of the Ohio Consumers' Counsel has been served electronically upon those persons listed below this 25<sup>th</sup> day of July 2011.

  
Terry L. Etter

Assistant Consumers' Counsel

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