

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Power Company and Columbus Southern) Case No. 10-2376-EL-UNC
Power Company for Authority to Merge)
and Related Approvals.)

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

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

In the Matter of the Application of)
Columbus Southern Power Company to) Case No. 10-343-EL-ATA
Amend its Emergency Curtailment Service)
Riders.)

In the Matter of the Application of Ohio)
Power Company to Amend its Emergency) Case No. 10-344-EL-ATA
Curtailment Service Riders.)

In the Matter of the Commission Review of)
the Capacity Charges of Ohio Power) Case No. 10-2929-EL-UNC
Company and Columbus Southern Power)
Company.)

In the Matter of the Application of)
Columbus Southern Power Company for)
Approval of a Mechanism to Recover) Case No. 11-4920-EL-RDR
Deferred Fuel Costs Ordered Under Section)
4928.144, Ohio Revised Code.)

In the Matter of the Application of Ohio)
Power Company for Approval of a)
Mechanism to Recover Deferred Fuel Costs) Case No. 11-4921-EL-RDR
Ordered Under Section 4928.144, Ohio)
Revised Code.)

ENTRY

The Attorney Examiner finds:

- (1) On January 27, 2011, in Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 11-349-EL-AAM and 11-350-EL-AAM, Columbus Southern Power Company (CSP) and Ohio Power Company (OP) (jointly, AEP-Ohio or the Companies) filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code (ESP 2).
- (2) On September 7, 2011, 22 parties¹ to the ESP 2 proceedings, including the Companies and Commission Staff, filed a Stipulation and Recommendation (Stipulation) for the purpose of resolving all the issues raised in the ESP 2 cases and several other AEP-Ohio cases pending before the Commission.² The Stipulation, however, is opposed by the remaining nine parties to the ESP 2 proceeding. The hearing on the Stipulation commenced on October 4, 2011.
- (3) On October 14, 2011, an *in camera* bench conference was held at the request of counsel for Industrial Energy Users-Ohio (IEU). Subsequently, on October 17, 2011, counsel for IEU filed a written motion reiterating and supplementing the issues raised in the oral motion made at the *in camera* bench conference and a motion for protective treatment.

¹ The parties to the Stipulation are: AEP-Ohio, Staff, Ohio Energy Group, Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc., Ohio Hospital Association, Ohio Manufacturers' Association Energy Group, The Kroger Company, City of Hilliard, City of Grove City, Association of Independent Colleges and Universities of Ohio, Exelon Generation Company, LLC, Duke Energy Retail Sales, LLC, AEP Retail Energy Partners LLC, Wal-Mart Stores East, LP and Sam's East, Inc., Retail Energy Supply Association, Paulding Wind Farm II LLC, Ohio Environmental Council, Environmental Law and Policy Center, Enernoc, Inc., Natural Resources Defense Council, and PJM Power Providers Group.

² Case No. 10-2376-EL-UNC, *In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals*; Case No. 10-343-EL-ATA, *In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders* and Case No. 10-344-EL-ATA, *In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders*; Case No. 10-2929-EL-UNC, *In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company*; and Case No. 11-4920-EL-RDR, *In the Matter of the Application of Columbus Southern Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Pursuant to Section 4928.144, Revised Code*, and Case No. 11-4921-EL-RDR, *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Pursuant to Section 4928.144, Revised Code*.

- (4) On October 17, 2011, and October 18, 2011, respectively, counsel for the Ohio Manufacturers' Association Energy Group (OMA-EG) filed a motion in response to the oral motion of IEU at the *in camera* bench conference, a response to IEU's written motion filed October 17, 2011 and a motion for a protective order.
- (5) As a result of the aforementioned motions noted in findings (3) and (4) above, two additional *in camera* bench conferences were held on October 17, 2011, and October 18, 2011.
- (6) On October 20, 2011, IEU filed a motion to withdraw its oral motion made on October 14, 2011, and its written motion and memorandum in support made on October 17, 2011. Further, IEU requests that the protective order associated with these motions be extended indefinitely.
- (7) IEU's and OMA-EG's respective motions for protective treatment pursuant to Rule 4901-1-24(D), Ohio Administrative Code (O.A.C.), are reasonable under the circumstances and nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. Accordingly, the motions for a protective order in accordance with the requirements of Rule 4901-1-24, O.A.C., are reasonable and should be granted. Further, in light of the sensitive nature of the issues raised in the motions, and discussed at the *in camera* bench conferences, the Attorney Examiner finds that the above referenced motions filed by IEU and OMA-EG, as well as the *in camera* bench conferences, shall be accorded protective treatment until otherwise ordered by the Commission.

It is, therefore,

ORDERED, That IEU's motion to withdraw the oral motion made at the bench conference on October 14, 2011, and the written motion filed on October 17, 2011, be granted. It is, further,

ORDERED, That the motions for protective orders are granted, including the transcript of the *in camera* bench conferences, until otherwise ordered by the Commission. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in these matters.

THE PUBLIC UTILITIES COMMISSION OF OHIO

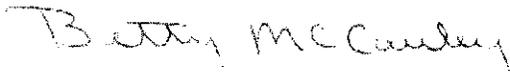


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GRJ
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Betty McCauley
Secretary