

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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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 issued by the Commission in its April 10, 2006 Opinion and Order in this proceeding. Without an extension of the Commission's protective order, that order would expire October 11, 2007, 18 months after the Commission's April 10, 2006, Opinion and Order.

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

<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 the 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 Ohio's utility industries' 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.

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primarily to site selection analyses performed in the “Eastern State Site Selection Study” 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, 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).

Those affidavits 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

Regarding Battelle’s Site Screening Analysis for Geologic CO<sub>2</sub> Sequestration Suitability:

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 in 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.

Finally, regarding both reports:

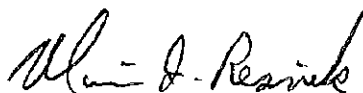
1. The list of sites in the reports is not in the public domain, because the identification of all of the specific sites is strategically important to AEP (the Companies and their affiliates within the American Electric Power system) concerning future expansion plans. Knowledge of those sites by third 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 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; 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.

By way of new affidavits of Messrs. Dancison, Bertheau and Manuel (Exhibits 1, 2 and 3 respectively) the affidavits supporting the Company's 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 in this case and affirmed on rehearing. Consequently, as a matter of law this material still is entitled to protection from public disclosure.

Therefore, the Commission should grant the Companies' motion to extend the protective order.

Respectfully Submitted



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**AFFIDAVIT OF MICHAEL D. DANCISON**

State of Ohio :  
 : ss  
 County of Franklin :

Michael D. Dancison, being first duly sworn according to law, deposes and says:

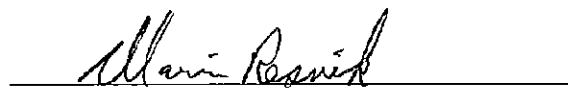
1. This affidavit is based on my personal knowledge.
2. I am employed by American Electric Power Service Corporation ("AEP").
3. I am Director New Generation Development for AEP. My responsibilities include power plant technology assessments, new generation siting, and project development.
4. I have reviewed my affidavit filed in Case No. 05-376-EL-UNC on August 5, 2005 and the statements contained in Paragraph Nos. 4 and 5-1 through 5-5 of that affidavit remain true today.

FURTHER AFFIANT SAYETH NAUGHT.

  
 Michael D. Dancison

Sworn to before me and subscribed in my presence this 23 day of August, 2007.

Attorney At Law  
 NOTARY PUBLIC - STATE OF OHIO  
 LIFETIME COMMISSION

  
 Notary Public

Attorney At Law  
 NOTARY PUBLIC - STATE OF OHIO  
 LIFETIME COMMISSION

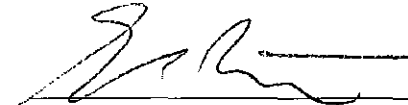
**AFFIDAVIT OF STEVEN R. BERTHEAU**

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 22 day of August, 2007.

Attorney At Law,  
 NOTARY PUBLIC - STATE OF OHIO  
 LIFETIME COMMISSION

  
 Notary Public

Attorney At Law  
 NOTARY PUBLIC - STATE OF OHIO  
 LIFETIME COMMISSION

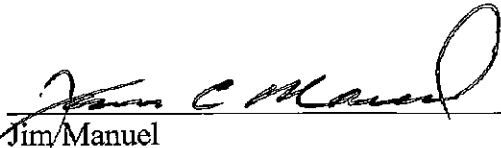
**AFFIDAVIT OF JIM MANUEL**

State of Ohio :  
: ss  
County of Franklin :

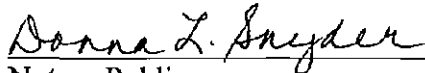
Jim Manuel, being first duly sworn according to law, deposes and says:

1. I am Assistant 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 through 6 of that affidavit remain true today.

FURTHER AFFIANT SAYETH NAUGHT.

  
Jim Manuel

Sworn to before me and subscribed in my presence this 23<sup>rd</sup> day of August, 2007.

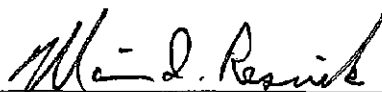
  
Notary Public



**DONNA L. SNYDER**  
Notary Public, State of Ohio  
My commission expires 12-09-2009

### **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 27th day of August, 2007.



Marvin I. Resnik

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