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August 27, 2007

Ms. Renee Jenkins
Chief, Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
10th Floor
Columbus, OH 43215

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PUCO

Subject: *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 Plant,*
Case No. 05-376-EL-UNC

Dear Ms. Jenkins:

Enclosed please find an original and fifteen copies of the following document:

- General Electric Company, GE Energy (USA), LLC, Bechtel Corporation, and Bechtel Power Corporation's Motion to Extend this Commission's April 10, 2006 Protective Order

Please accept the original and fourteen copies of this document for the Commission's files, and return the remaining copy to me via the individual who delivers the documents to you. You may call me if you have any questions concerning this filing.

As always, your attention is appreciated.

Very truly yours,

Michael D. Dortch / K/H

Michael D. Dortch

cc: Service List (via electronic service)

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Columbus Southern Power Company and)	Case No. 05-376-EL-UNC
Ohio Power Company for Authority to)	
Recover Costs Associated with the)	
Ultimate Construction and Operation of)	
an Integrated Gasification Combined)	
Cycle Electric Generating Facility)	

**GENERAL ELECTRIC COMPANY, GE ENERGY (USA), LLC, BECHTEL
CORPORATION, AND BECHTEL POWER CORPORATION'S
MOTION TO EXTEND THIS COMMISSION'S APRIL 10, 2006 PROTECTIVE ORDER**

Comes now General Electric Company, GE Energy (USA), LLC, Bechtel Corporation, and Bechtel Power Corporation (together "GE/Bechtel"), and request the Public Utilities Commission of Ohio ("PUCO") to extend indefinitely the protective order issued by the PUCO in its April 10, 2006 Opinion and Order. The reasons supporting this Motion are provided in the attached Memorandum in Support.

Respectfully Submitted,



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CORPORATION, AND BECHTEL POWER
CORPORATION**

MEMORANDUM IN SUPPORT

On June 22, 2005, GE/Bechtel filed a motion to intervene in this matter for the purpose of protecting its confidential information.¹ (Opinion and Order, Apr. 10, 2006, at 6 (hereinafter “Opinion and Order”).) On August 8, 2005, GE/Bechtel filed a motion for a protective order in an effort to maintain the confidentiality of exhibits submitted in this matter and the testimony deduced therefrom. On August 9, 2005, after an in camera review of the documents at issue, the Attorney Examiners ruled that certain information provided to the Ohio Consumers’ Counsel (“OCC”) by GE/Bechtel pursuant to a protective agreement contained trade secrets and/or confidential or proprietary information, the disclosure of which would violate Ohio law. (Opinion and Order at 7.) At the conclusion of the hearing, GE/Bechtel was ordered to review the confidential documents admitted into evidence and to redact the portions containing trade secrets and confidential and/or proprietary information and file the redacted documents in the public record. GE/Bechtel filed its redacted version of the documents and transcript on September 1, 2005. (Opinion and Order at 7.)

In its April 10, 2006 Opinion and Order, the PUCO rejected OCC’s contention that the unredacted versions of the documents and transcript should be released. Specifically, the PUCO held, “[W]e find that the record in this case supports the Attorney Examiners’ ruling that the documents filed under seal included proprietary trade secret information,” and that the release of such documents would violate Ohio law. (Opinion and Order at 10-11.) Accordingly, the PUCO

¹ GE/Bechtel fully endorses Columbus Southern Power Company’s and Ohio Power Company’s Motion to Extend Protective Order filed August 23, 2007 in this matter. GE/Bechtel submits that the denial of said motion will result in the disclosure of GE/Bechtel’s own trade secrets and/or confidential or proprietary information in violation of Ohio law.

held that “the Attorney Examiners’ ruling and the confidential record developed in this case are consistent with the Ohio public records law and Title 49.” (Opinion and Order at 11.) As such, the protected documents and transcript were ordered to remain protected from disclosure for a period of eighteen (18) months after the April 10, 2006 Opinion and Order was issued.

Pursuant to Ohio Administrative Code § 4901-1-24(F),

A party wishing to extend a protective order beyond eighteen months shall file an appropriate motion at least forty-five days in advance of the expiration date of the existing order. The motion shall include a detailed discussion of the need for continued protection from disclosure.

Without an extension of the PUCO’s protective order, the protective order would expire on October 11, 2007. GE/Bechtel respectfully files this timely motion for the purpose of extending indefinitely the protective order issued April 10, 2006. GE/Bechtel submits that on September 1, 2005, it filed several exhibits and a portion of the transcript that were redacted to protect its confidential information in compliance with the PUCO’s order. GE/Bechtel respectfully submits that the unredacted versions of its exhibits and transcript continue to contain trade secrets and confidential and/or proprietary information, and that the release of this information would violate Ohio law.

Indeed, as noted by the PUCO in its April 10, 2006 Opinion and Order, Ohio’s public records law excepts from disclosure “[r]ecords the release of which is prohibited by state or federal law.” R.C. § 149.43(A)(v). The PUCO has already ruled that the protected information contains GE/Bechtel’s “proprietary trade secret information.” (Opinion and Order at 9.) Specifically, the protected documents and transcript pertain to GE/Bechtel’s financial and technical involvement in Columbus Southern Power Company’s and Ohio Power Company’s (hereinafter the “Companies”) prospective construction of an integrated gasification combined cycle (“IGCC”) electric generation facility in Ohio.

The sensitive nature of GE/Bechtel's financial and technical involvement in the process has not changed over time. As noted in the Affidavits of Allan J. Connolly, General Manager of GE's gasification and technology division, and Lance Murray, Assistant Project Manager for Bechtel, the protected information encompasses the following:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where GE's and Bechtel's prevention of its use by GE's and Bechtel's competitors without license from GE or Bechtel constitutes a competitive economic advantage over other companies;
- b. Information which, if used by a competitor, would reduce the competitor's expenditure of resources or improve its competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
- c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of GE and/or Bechtel, their customers, or their suppliers;
- d. Information which reveals aspects of past, present, or future GE and/or Bechtel customer-funded development plans and programs, of potential commercial value to GE and/or Bechtel;
- e. Information which in isolation may not disclose proprietary information, but which, when analyzed in the aggregate by a knowledgeable and skilled party would reveal a significant amount of proprietary information;
- f. Information which discloses patented matters and/or patentable subject matter for which it may be desirable to obtain patent protection.

Pursuant to R.C. § 1133.61(D), "trade secret" is defined as follows:

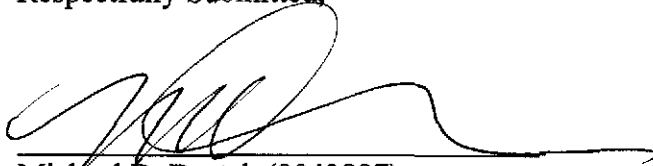
[I]nformation, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

As noted by the PUCO in its April 10, 2006 Opinion and Order, GE/Bechtel's protected information satisfies the mandates of § 1133.61(D). Its technological and financial trade secrets maintain their independent economic value and GE/Bechtel has strived to maintain the secrecy of its endeavors. Accordingly, pursuant to O.A.C. § 4901-1-24(F), GE/Bechtel respectfully requests the PUCO to extend indefinitely the protective order issued in its April 10, 2006 Opinion and Entry.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MD', with a long horizontal flourish extending to the right.

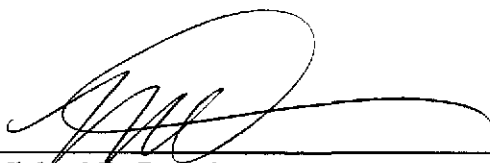
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically upon parties, their counsel, and others through use of the following e-mail addresses this 27th day of August 2007.

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