

**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  
REPLY MEMORANDUM TO  
OCC'S MEMORANDUM CONTRA  
MOTION TO EXTEND PROTECTIVE ORDER

On August 23, 2007, Columbus Southern Power Company and Ohio Power Company (the Companies) filed a motion to extend the protective order issued by the Commission in its April 10, 2006 Opinion and Order in this proceeding. On September 11, 2007 the Ohio Consumers' Counsel (OCC) filed a memorandum contra the Companies' motion.<sup>1</sup> Pursuant to §4901-1-12 (B) (2), Ohio Administrative Code, the Companies file this reply memorandum to OCC's memorandum contra.

OCC's opposition to the Companies' motion is based on three points. First, OCC argues that the Companies have not presented a detailed discussion regarding the need for continued protection from disclosure. The renewed affidavits which accompany the Companies' motion reassert the detailed discussion of the need for protecting the materials at issue. Further, the motion itself recites the reasons that support extending the protective order (pp. 2, 3). The

<sup>1</sup> GE/Bechtel filed a similar motion to extend the protective order on August 27, 2007. OCC's memorandum contra responds to that motion as well. For the reasons stated in footnote 1 of their motion, the Companies continue to support GE/Bechtel's motion and this reply memorandum should be considered in the context of that motion as well.

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bottom line is that disclosure of the protected material will be harmful to the Companies, to Sargent & Lundy and to Battelle. It also will be harmful to Ohio's ability to promote advanced energy technology, all to the detriment of Ohio's economy and the Companies' customers, including the residential customers represented by OCC. There is sufficient information before the Commission which warrants the extension of the existing protective order.

OCC also argues that the Commission should minimize the amount of information protected from public disclosure. This already has been accomplished. At the request of the Hearing Examiners in this proceeding, the Companies informed the Commission, OCC and all other parties that portions of the transcript and of exhibits which were protected from public disclosure could be placed in the public record. A copy of the Companies' August 23, 2005 e-mail, which identified those previously protected materials from public disclosure, is attached to this reply memorandum.

Finally, OCC argues that any extension of protected status should not exceed six months. In this regard OCC points out that the Companies did not set forth the length of the extension sought in their motion. The Companies contemplated that an 18-month extension would be consistent with §4901-1-24 (F), Ohio Administrative Code. However, because the nature of the protected material (technological processes, the potential for sites to be used to develop new generating plants or for sequestering CO<sub>2</sub>) GE/Bechtel's, request for an indefinite extension is more appropriate. Possible legislative changes in Ohio will not, contrary to OCC's argument, change the need to protect the limited materials currently protected from public disclosure. Even if such an argument could be made that new laws changed the appropriateness of continuing the protective order, OCC can make those arguments once such laws become effective.

For the reasons set forth in the Companies' motion and in this reply memorandum, the existing protective order should be extended for at least 18 months.

Respectfully Submitted



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08/23/2005 03:38 PM

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Subject Confidential Material In IGCC Proceeding: Case No.  
05-376-EL-UNC

Pursuant to the request of the Hearing Examiners, the Companies have reviewed the confidential portions of the hearing transcripts and the exhibits that were introduced on a confidential basis to see which portions of those materials could be placed in the public portion of the record, either as is or on a redacted basis. Based on that review the Companies believe that, subject to input from GE/Bechtel, the entire transcript can be placed in the public record.

Regarding the confidential exhibits, the Companies have attached redacted versions of OCC Exhibit 6 and IEU Exhibit 8 which can be placed in the public record. Note that none of the first 15 pages of IEU Exhibit 8 have any content that has been redacted.

Regarding OCC Exhibit 7, Battelle has consented to placing pages 21 and 22 into the public record. Those are the pages of OCC Exhibit 7 that were discussed at Tr. Vol. III, pp.129-134 and 207-208. **THE REST OF THAT EXHIBIT REMAINS CONFIDENTIAL.**

Ohio Energy Group Exhibit 3 can be placed in the public record, **EXCEPT FOR PAGES 9 AND 10 WHICH REMAIN CONFIDENTIAL.**

The Companies believe that the rest of the confidential exhibits can be placed in the public record. Please note, however, that GE/Bechtel is reviewing those materials as well and will convey its position to the Hearing Examiners. To the extent that GE/Bechtel designates any transcript or exhibits (or portions of exhibits) as warranting confidential treatment, the Companies encourage the Commission to honor that request.

----- Forwarded by Marvin I Resnik/OR4/AEPIN on 08/23/2005 08:54 AM -----



**Brenda L Farr**

08/23/2005 08:50 AM

Date: 08/23/2005 08:50:17 AM  
From: Brenda L Farr

To: Marvin I Resnik/OR4/AEPIN@AEPIN  
cc:  
Subject: Confidential Material

See attachments.



Redacted OCC Exhibit 6.p Redacted IEU Exhibit 8.px

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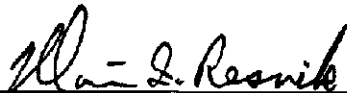
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Reply Memorandum was served by U.S. Mail or electronic mail upon counsel identified below for all parties of record this 17th day of September, 2007.

  
Marvin I. Resnik

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