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KRAVITZ, BROWN & DORTCH, LLC
Attorneys at Law

Max Kravitz
Janet Kravitz
Paula Brown
Michael D. Dortch
Lori A. Catalano
Kristopher A. Haines

65 East State Street - Suite 200
Columbus, Ohio 43215-4277
614.464.2000
fax 614.464.2002
mdortch@kravitzllc.com

Of Counsel:
William H. Bluth*
*Also admitted in NY

September 18, 2007

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

PUCO

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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:

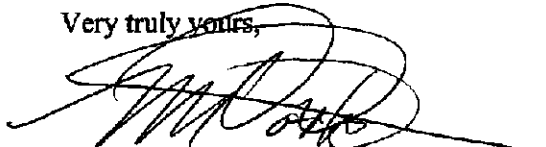
Enclosed please find an original and fifteen copies of the following document:

- General Electric Company, GE Energy (USA), LLC, Bechtel Corporation, and Bechtel Power Corporation's Reply to OCC's Memo Contra Their 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

cc: Service List (via electronic service only)

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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
REPLY TO OCC'S MEMORANDUM CONTRA THEIR
MOTION TO EXTEND THIS COMMISSION'S APRIL 10, 2006 PROTECTIVE ORDER**

On August 27, 2007, General Electric Company, GE Energy (USA), LLC, Bechtel Corporation, and Bechtel Power Corporation (together "GE/Bechtel"), timely moved the Public Utilities Commission of Ohio (this "Commission") to extend indefinitely the protective order issued by this Commission in its April 10, 2006 Opinion and Order (the "Order.")¹ As GE/Bechtel represented to this Commission, through counsel, the reasons for which they sought protection, and the reasons for which protection was granted initially, have not changed over the course of the past eighteen (18) months.

The Office of the Ohio Consumer's Counsel ("OCC") opposes the motions of GE/Bechtel and AEP. Interestingly, OCC does not contend that the information is not confidential, nor does it contend that the information does not constitute protectable trade secrets or proprietary information. Instead, OCC attempts to re-litigate positions it took more than two years ago, arguing that this Commission should have found that, initially, GE/Bechtel and AEP had failed to satisfy their burdens, and that AEP and GE/Bechtel did not sufficiently "minimize" the

¹ AEP also timely moved this Commission to extend the protective Order. GE/Bechtel fully support AEP's Motion.

information to be kept from disclosure in 2005. OCC also argues that GE/Bechtel should not be permitted to merely refer to and incorporate evidence already submitted in this matter (the affidavits of Allan J. Connolly and Lance Murray), and finally OCC argues that the indefinite protection requested by GE/Bechtel is inappropriate.

GE/Bechtel will not re-litigate the issue of the nature of the information, which was extensively briefed in 2005. In addition to the briefs, the hearing examiners heard argument from the parties on the subject of the information. The hearing examiners ultimately conducted an *in camera* review of the documents at issue. Only then did they conclude that the information constituted trade secrets and/or confidential or proprietary information belonging to AEP and/or GE/Bechtel, the disclosure of which would violate Ohio law, and order it protected. This Commission later agreed with its hearing examiners. *See* Order at 7.

Furthermore, at the conclusion of the hearing in this matter, GE/Bechtel and AEP were ordered to review the confidential documents OCC had caused to be admitted into evidence and to redact from those documents those portions which contain information deemed trade secrets and confidential and/or proprietary information, and to then file copies of these redacted documents in the public record. GE/Bechtel and AEP complied with this direction. *See* Order at 7. Thus, the protected information was sufficiently "minimized," and OCC is simply incorrect.

Even cursory review of the information itself reveals, and the affidavits of Mr. Connolly, General Manager of GE's gasification and technology division, and Mr. Murray, Assistant Project Manager for Bechtel more than adequately support, that the protected information consists of not only financial information, but also technical scientific and engineering data. The information is of potentially enormous value to both GE/Bechtel and to its competitors. The facts also show that GE/Bechtel developed the information for their joint internal use, and

(subject to an appropriate protective agreement) revealed the information to AEP solely for purposes of its IGCC project.

In the Order, this Commission concluded GE/Bechtel's protected information satisfies the mandates of § 1133.61(D). GE/Bechtel have now represented to this Commission that the protected information retains the same value to them that it had two years ago and that GE/Bechtel continue to make reasonable efforts to maintain the secrecy of this information. GE/Bechtel are required to do no more to continue the protection of their information.

Finally, GE/Bechtel submit that the information, by its nature, deserves indefinite protection. The information, again, includes technical scientific and engineering processes that are proprietary to GE/Bechtel. GE/Bechtel anticipate that this information will retain its value for many years. 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,



Michael D. Dortch (0043897)
KRAVITZ, BROWN & DORTCH, LLC
65 East State Street, Suite 200
Columbus, Ohio 43215
Tel: 614-464-2000
Fax: 614-464-2002
E-mail: mdortch@kravitzllc.com
Attorneys for
**GENERAL ELECTRIC COMPANY, GE
ENERGY (USA), LLC, BECHTEL
CORPORATION, AND BECHTEL POWER
CORPORATION**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically upon parties, their counsel, and others through use of the e-mail addresses indicated below, this 18th day of September, 2007.

<p>Marvin Resnik, Esq. American Electric Power Service Corp. 1 Riverside Plaza Columbus, OH 43215 miresnik@aep.com</p> <p>Daniel Conway, Esq. Porter Wright Morris & Arthur LLP 41 South High Street Columbus, OH 43215 dconway@porterwright.com</p> <p>Samuel C. Randazzo, Esq. Lisa McAlister, Esq. Dan Neilsen, Esq. McNees, Wallace & Nurick 21 East State Street, 17th Floor Columbus, OH 43215 sam@mwncmh.com lmcalister@mwncmh.com dneilsen@mwncmh.com</p> <p>Joseph Condo, Esq. Calpine Corporation 250 Parkway Drive, Suite 380 Lincolnshire, IL 60069 jcondo@calpine.com</p> <p>Evelyn R. Robinson, Esq. Green Mountain Energy Company 5450 Frantz Road, Suite 240 Dublin, OH 43016</p> <p>David C. Rinebolt, Esq. Ohio Partners for Affordable Energy 337 South Main Street, 4th Floor, Suite 5 P.O. Box 1793 Findlay, OH 45839-1793 drinebolt@aol.com</p> <p>M. Howard Petricoff, Esq. Vorys, Sater, Seymour & Pease, LLP 52 East Gay Street, P.O. Box 1008 Columbus, OH 43216-1008 mhpetricoff@vssp.com</p>	<p>Thomas McNamee, Esq. Steven Lesser, Esq. Attorney General's Office Public Utilities Section 180 East Broad Street, 9th Floor Columbus, OH 43215 Thomas.McNamee@puc.state.oh.us steven.lesser@puc.state.oh.us</p> <p>Kathy Kolich, Esq. FirstEnergy Corp. 76 South Main Street Akron, OH 44308 kjkolich@firstenergycorp.com</p> <p>David Boehm, Esq. Michael Kurtz, Esq. Boehm, Kurtz & Lowery 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 dboehm@bkllawfirm.com mkurtz@bkllawfirm.com</p> <p>Thomas L. Rosenberg, Esq. Jessica Davis, Esq. Roetzel & Andress LPA National City Center 155 E. Broad Street, 12th Floor Columbus, OH 43215 trosenberg@ralaw.com jdavis@ralaw.com</p> <p>Dane Stinson, Esq. Bailey Cavalieri LLC 10 West Broad Street, Suite 2100 Columbus, OH 43215 dane.stinson@baileycavalieri.com</p> <p>Thomas Lodge, Esq. Carolyn Flahive, Esq. Thompson, Hine LLP One Columbus 10 West Broad Street, Suite 700 Columbus, OH 43215 Tom.lodge@thompsonhine.com Carolyn.flahive@thompsonhine.com</p>
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Jeffrey L. Small, Esq.
Kimberly W. Bojko, Esq.
Ohio Consumer's Counsel
10 West Broad Street
Suite 1800
Columbus, OH 43215
Small@occ.state.oh.us
kbojko@occ.state.oh.us

John W. Bentine, Esq.
Bobby Singh, Esq.
Chester Willcox & Saxbe
65 East State Street, Suite 1000
Columbus, OH 43215
jbentine@cwslaw.com
bsingh@cwslaw.com

Sally W. Bloomfield, Esq.
Thomas J. O'Brien, Esq.
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215
sbloomfield@bricker.com
tobrien@bricker.com



Michael D. Dortch