

FILE

37  
RECEIVED-DOCKETING DIV

BEFORE THE  
OHIO POWER SITING BOARD 2007 NOV 15 PM 1:00

In the Matter of An Application by )  
American Municipal Power-Ohio, Inc. for )  
a Certificate of Environmental )  
Compatibility and Public Need for an )  
Electric Generation Station and Related )  
Facilities in Meigs County, Ohio. )

PUCO

Case No. 06-1358-EL-BGN

---

**AMP-OHIO'S SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO NATURAL  
RESOURCES DEFENSE COUNCIL, OHIO ENVIRONMENTAL COUNCIL, AND  
SIERRA CLUB'S MOTION TO INTERVENE**

---

Minutes before AMP-Ohio filed its Memorandum on November 9, 2007 in opposition to the Motion to Intervene filed by the Natural Resources Defense Council, the Ohio Environmental Council and the Sierra Club (collectively, "Intervenor Groups"), AMP-Ohio was served with the Intervenor Group's First Set of Interrogatories and Request for Production of Documents. Because these discovery requests clearly demonstrate the prejudice to AMP-Ohio if the Intervenor Groups' late-filed motion to intervene is granted and also demonstrate the lack of extraordinary circumstances justifying the Intervenor Groups' delay in filing their motion, AMP-Ohio submits this brief supplement to its previously filed memorandum.<sup>1</sup>

The Intervenor Groups' first discovery request is not separately broken down between interrogatories and requests for production. A review of the request reveals, however, that, including sub-parts, the request consists of approximately 35 interrogatories and 126 document requests. (A copy of the entire discovery request is attached as Exhibit A.) By delaying their motion to intervene, and thus their discovery request, the Intervenor Groups have intentionally

---

<sup>1</sup> By presenting these issues regarding Intervenor Groups' discovery requests to the Board in this memorandum, AMP-Ohio does not waive and expressly reserves the right to object to parts or all of the discovery requests or otherwise plead with regard thereto.

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business  
technician                      Date Processed 11-15-07

sought to create a situation where AMP-Ohio's attention is diverted from preparing for the adjudicatory hearing and is instead pre-occupied with responding to their discovery requests.

For example, the Intervenor Groups' discovery request includes over 25 requests (not including sub-parts) directed to the June, 2007 R.W. Beck Initial Project Feasibility Study. Intervenor Groups' memorandum in support of intervention indicates at footnote 7 that they received an executive summary of the R.W. Beck Study through a public record request to Cleveland Public Power. Amp-Ohio has determined that that request was submitted on August 17, 2007. See, letter from NRDC counsel to Cleveland Public Power attached as Exhibit B. Thus, within days of the Board's Entry on August 2, 2007 setting this matter for an adjudicatory hearing in November and "strongly" encouraging interested persons to file petitions to intervene as early as possible, Intervenor Groups were undertaking informal discovery through public record requests directed specifically to AMP-Ohio's application but intentionally delayed filing their petition to intervene until October 25, 2007 in an obvious attempt to prejudice AMP-Ohio and disrupt an orderly discovery and hearing process.

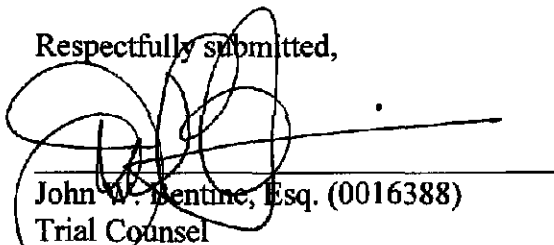
Similarly, Intervenor Groups' requests 17, 18, 19, 20, 21 and 22 seek copies of meeting notes and minutes, documents provided to members and materials used in presentations to AMP-Ohio's Board, its committees and the Participants' Committee on 14 separately identified subjects since January 1, 2006. In addition to the overly burdensome nature of these requests, there is no apparent reason why such requests could not have been made and dealt with in an orderly fashion early on in this proceeding other than a desire on the part of Intervenor Groups to prejudice AMP-Ohio.

The inequity of an alleged interested party intentionally delaying filing a motion to intervene, and then submitting voluminous, last-minute discovery requests, is aggravated in this

case by the fact that the Intervenor Groups have participated in and have sought to raise the same or similar issues in permit proceedings in other states over the last three years.<sup>2</sup> Thus, any argument by the Intervenor Groups that their decision to seek intervention was delayed by research or analysis of the data in AMP-Ohio's application is simply not credible.

For the above reasons and the reasons stated in AMP-Ohio's initial memorandum in opposition to Intervenor Groups' motion to intervene, AMP-Ohio urges the Board to deny the motion.

Respectfully submitted,



John W. Bentine, Esq. (0016388)

Trial Counsel

E-Mail: [jbentine@cwsllaw.com](mailto:jbentine@cwsllaw.com)

Stephen C. Fitch, Esq. (0022322)

E-Mail: [sfitch@cwsllaw.com](mailto:sfitch@cwsllaw.com)

April R. Bott (0066463)

E-Mail: [abott@cwsllaw.com](mailto:abott@cwsllaw.com)

Nathaniel S. Orosz, Esq. (0077770)

E-Mail: [norosz@cwsllaw.com](mailto:norosz@cwsllaw.com)

Chester, Willcox & Saxbe LLP

65 East State Street, Suite 1000

Columbus, Ohio 43215-4213

(614) 221-4000 (Main Number)

(614) 221-4012 (Facsimile)

*Attorneys for American Municipal Power-Ohio, Inc.*

<sup>2</sup> See In re: Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant, The Florida Public Service Commission, Docket No. 070099-EI (2007), available at <http://www.psc.state.fl.us/dockets/cms/docketFilings2.aspx?docket=070098>; In re: Application of Energy Louisiana for Approval to Repower Little Gypsy Electric Generating Facility, Louisiana Public Service Commission, Docket No. U. 30192 (2007), searchable docket available at <http://www.lpsc.org/>; In the Matter of the Application by Otter Trail Power Company for the Construction of the Big Stone II Project, South Dakota Public Utilities Commission, Case No. EL05-22 (2005), available at <http://puc.sd.gov/commission/orders/electric/2005/el05-022ogi.pdf>.

## CERTIFICATE OF SERVICE

We hereby certify that a copy of the foregoing AMP-Ohio's Supplemental Memorandum in Opposition to Natural Resources Defense Council, Ohio Environmental Council and Sierra Club's Motion to Intervene for Case No. 06-1358-EL-BGN was served upon the following parties of record or as a courtesy to proposed persons via electronic mail and/or via postage prepaid U.S. Mail on November 15, 2007:



John W. Bentine, Esq. (0016388)  
Trial Counsel for American Municipal Power-Ohio, Inc.

### Parties of Record:

William L. Wright, Esq.  
John H. Jones, Esq.  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)  
[john.jones@puc.state.oh.us](mailto:john.jones@puc.state.oh.us)

### *Counsel for Staff*

Shannon Fisk, Esq.  
Natural Resources Defense Council  
101 North Wacker Drive, Suite 609  
Chicago, IL 60606  
[sfisk@nrdc.org](mailto:sfisk@nrdc.org)

### *Staff Attorney*

Sanjay Narayan, Esq.  
Sierra Club Environmental Law Program  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105  
[Sanjay.Narayan@sierraclub.org](mailto:Sanjay.Narayan@sierraclub.org)

### *Staff Attorney*

Margaret A. Malone, Esq.  
Assistant Attorney General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, OH 43215  
[MMalone@ag.state.oh.us](mailto:MMalone@ag.state.oh.us)

### *Counsel for Staff*

Trent Dougherty, Esq.  
Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, OH 43212  
[trent@theoec.org](mailto:trent@theoec.org)

### *Staff Attorney*

Elisa Young  
48360 Carnel Road  
Racine, OH 45771  
[Elisa@EnergyJustice.net](mailto:Elisa@EnergyJustice.net)

Lee Fisher, Director  
Ohio Department of Development  
77 South High Street  
Columbus, OH 43215

Robert Boggs, Director  
Ohio Department of Agriculture  
8995 East Main Street  
Reynoldsburg, OH 43068

Sean Logan, Director  
Ohio Department of Natural Resources  
2045 Morse Road, Bldg. D-3  
Columbus, OH 43229

Senator Bob Schuler  
Ohio Senate  
Statehouse  
Room 221, Second Floor  
Columbus, OH 43215

Steven L. Driehaus, Legislator  
Ohio House of Representatives  
77 South High Street, 14<sup>th</sup> Floor  
Columbus, OH 43215

Alvin Jackson, M.D., Director  
Ohio Department of Health  
246 North High Street  
Columbus, OH 43215

Christopher Korleski, Director  
Ohio Environmental Protection Agency  
50 West Town Street, Suite 700  
Columbus, OH 43215

Andrew M. Boatright, Public Member  
Electric Utility Manager  
City of Westerville Electric Division  
7870 Olentangy River Road, Suite 209  
Columbus, OH 43235

Senator Jason Wilson  
Ohio Senate  
Statehouse  
Room 052, Ground Floor  
Columbus, OH 43215

John P. Hagan  
Ohio House of Representatives  
77 South High Street, 11<sup>th</sup> Floor  
Columbus, OH 43215

ND: 4823-9175-6034, v. 1

**Stephen C. Fitch**

---

**From:** Fisk, Shannon [sfisk@nrdc.org]  
**Sent:** Friday, November 09, 2007 4:27 PM  
**To:** April R. Bott; John W. Bentine; Stephen C. Fitch; Nate Orosz; William.wright@puc.state.oh.us; john.jones@puc.state.oh.us; MMalone@atg.state.oh.us; Elisa@EnergyJustice.net  
**Cc:** Trent@theoec.org; Sanjay.Narayan@sierraclub.org; Fisk, Shannon  
**Subject:** OPSB Case No. 06-1358-EL-BGN - Interrogatories and RFPs for AMP-Ohio



OPSB-FirstInterrog  
atories-Fina...

All,

Attached is the Natural Resources Defense Council, Inc., Ohio Environmental Council and Sierra Club's interrogatories and requests for production of documents to American Municipal Power-Ohio in the Matter of AMP-Ohio's Application for a Certificate of Environmental Compatibility and Public Need for the American Municipal Power Generating Station in Meigs County, Ohio, Case No. 06-1358-EL-BGN.

Please let me know if you have any questions or difficulty opening the attached document.

Thanks,

Shannon

Shannon Fisk

Staff Attorney

Natural Resources Defense Council

101 N. Wacker Dr., Suite 609

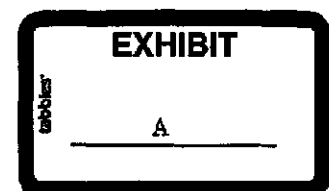
Chicago, IL 60606

(312) 780-7431

sfisk@nrdc.org

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law as attorney work-product, or as attorney-client or otherwise confidential communication. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, please notify us immediately at 312-663-9900 and delete or destroy it and any copies. Thank you.



**BEFORE THE  
OHIO POWER SITING BOARD**

Application of American Municipal Power, )  
Ohio, Inc. (AMP-Ohio) for a Certificate of )  
Environmental Compatibility and Public )  
For the American Municipal Power )  
Generating Station in Meigs County, Ohio )

Case No. 06-1358-EL-BGN

**THE NATURAL RESOURCES DEFENSE COUNCIL, INC., OHIO ENVIRONMENTAL  
COUNCIL AND SIERRA CLUB'S FIRST SET OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS TO AMERICAN MUNICIPAL  
POWER-OHIO, INC.**

The Natural Resources Defense Council, Ohio Environmental Council, and Sierra Club, pursuant to Ohio Admin. Code 4906-7-07(A)(2)-(3), (D), & (F), propounds the following interrogatories and requests for production of documents on American Municipal Power-Ohio, Inc. ("AMP") regarding the proposed American Municipal Power Generating Station ("AMPGS").

These interrogatories and requests for production of documents shall be answered under oath by you or your agent, who is qualified and who will be identified, with the answers being served as provided by the Ohio Power Siting Board's regulations, and within the 15 day time period set by the Administrative Law Judge at the October 31, 2007 pre-hearing conference. Each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Give the name, address and relationship to AMP of those persons providing the answers to each of the following interrogatories.

If a requested document is publicly available on the internet, production of that document

may be satisfied through identification of the document along with provision of a working link to that document. In addition, to the extent that the R.W. Beck Initial Project Feasibility Study for the American Municipal Power Generating Station Project, dated June 2007, is responsive to the requests below, production may be done through reference to the relevant page number(s) of the Study.

We realize that some of the requested documents and information may be confidential business information. Therefore, we are willing to enter into a protective agreement that ensures that any documents and information that are entitled to confidentiality remain confidential.

#### DEFINITIONS

Unless otherwise specified in each individual interrogatory, "you", "your" or "Applicant" refers to AMP, its employees and authorized agents.

"Document" refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

"Identify" means:

- (a) With respect to a person, to state the person's name, address and business relationship (e.g., "employee") to AMP;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.



## INTERROGATORIES AND REQUESTS FOR PRODUCTIONS OF DOCUMENTS

1. Provide copies of any technical, economic, business or other assessment of the currently proposed global warming legislation in the 110<sup>th</sup> Congress that have been prepared by or for AMP.
  
2. Provide copies of any assessments, evaluations, or projections of future CO<sub>2</sub> allowance prices, taxes, fees, or other costs of emissions associated with possible future CO<sub>2</sub> regulation that have been prepared by or for AMP since January 1, 2005 or that AMP has referenced or relied upon for internal planning purposes whether or not prepared by or for AMP.
  
3. Reference page ES-6 of the R.W. Beck June 2007 Initial Project Feasibility Study:
  - a. Specify what the construction schedule and construction and operating cost impacts would be if the project had to use a limestone wet scrubber.
  - b. Provide copies of any assessments or analyses of the construction schedule and the construction and operating cost impacts of having to use a limestone wet scrubber instead of the Powerspan technology.

4. Reference page ES-6 of the R.W. Beck June 2007 Initial Project Feasibility Study. Provide the evidence and the documents which formed the basis for including a contingency of six percent in the EPC contract estimate.
  
5. Reference page ES-8 of the R.W. Beck June 2007 Initial Project Feasibility Study. Provide the evidence and the documents which form the basis for the conclusions that (a) the EPC schedule for engineering, procurement and construction of Unit 1 would be 48 months and (b) that Unit 2 commissioning and substantial completion can be assumed approximately six months later than Unit 1.
  
6. Reference pages ES-8 to ES-9 of the R.W. Beck June 2007 Initial Project Feasibility Study. Provide all evidence and documents which form the basis for the belief that AMP will be able to finalize a fixed price EPC contract for the AMPGS project.

7. Reference page ES-9 of the R.W. Beck June 2007 Initial Project Feasibility Study.
  - a. Specify the current status of negotiations with The Andersons.
  - b. Provide copies of any correspondence between AMP and The Andersons concerning the proposed fertilizer plant.
  - c. Provide any evidence and documents that support the belief that AMP-Ohio will be able to contract with The Andersons for an initial five-year period to operate and maintain the fertilizer plant.
  
8. Provide the workpapers and source documents for the figures in Table 3 on page ES-9 of the R.W. Beck June 2007 Initial Project Feasibility Study.
  
  
  
  
  
  
  
  
  
  
9. Reference page ES-11 of the R.W. Beck June 2007 Initial Project Feasibility Study  
Provide the evidence and source documents which form the basis for the conclusion that "a carbon tax ranging between \$5/ton to \$15/ton (in 2006 dollars) is assumed to be in place beginning between 2012 and 2018."

10. Reference page ES-14 of the R.W. Beck June 2007 Initial Project Feasibility Study. Provide the workpapers and source documents in which R.W. Beck estimated the Participant sales of energy from their share of the AMPGS Project.
  
11. Provide the workpapers and source documents for Table 6 on page ES-15 of the R.W. Beck June 2007 Initial Project Feasibility Study.
  
12. a. Specify the current supply diversity of AMP-Ohio and each of the following project participants -- Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green -- in terms of the MWs of each resource type (i.e., base, intermediate and peaking).
- b. Specify the current supply diversity of AMP-Ohio and each of the following project participants -- Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green -- in terms of the MWs of each fuel-type (coal, natural gas-fired, etc.).
- c. Specify the current supply diversity of AMP-Ohio and each of the following project participants -- Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green -- in terms of the MWHs generated during each of the years 2004, 2005, and 2006 by plants of each fuel type (e.g., coal-fired, natural gas-fired, etc.).

13. Provide the workpapers and source documents for Figure 5 on page ES-18 of the R.W. Beck June 2007 Initial Project Feasibility Study.
14. Provide copies of the most recent analyses of the potential for demand-side management and energy efficiency prepared by or for AMP-Ohio or for any of the following project participants: Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green.
15. Provide copies of the most recent analyses of the potential for wind and/or other renewable resources prepared by or for AMP-Ohio or for any of the following project participants: Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green.

16. Provide copies of any assessments of the current state of the power plant construction industry or of power plant construction costs prepared since January 1, 2006 by or for AMP-Ohio or for any of the following project participants: Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green.
17. Provide copies of the minutes or other notes of any meetings of the AMP Board of Trustees and all committees thereof, held since January 1, 2006, at which any of the following subjects were discussed.
  - a. The AMPGS Project.
  - b. The potential for federal regulation of greenhouse gas emissions.
  - c. Future CO<sub>2</sub> allowance or Carbon tax prices.
  - d. The risks associated with building and/or operating new coal fired power plants.
  - e. The economics of pursuing a new coal-fired power plant given the potential for federal regulation of greenhouse gas emissions.
  - f. The AMP system fuel mix.
  - g. The resource needs of AMP participants.
  - h. The cost and schedule of the proposed AMPGS Project.
  - i. The selection of the technology for the AMPGS Project.
  - j. The possible schedule for, cost of, or equipment required for carbon capture and sequestration.
  - k. The potential for energy efficiency or demand side management.
  - l. The potential for renewable resources.
  - m. The February 2007 Member Power Supply Analysis or the May 2007 update to that Analysis.
  - n. The technical and/or commercial viability of carbon capture and sequestration technology for the AMPGS Project.

18. Provide copies of the documents provided to the members of the AMP Board of Trustees, and all committees thereof, since January 1, 2006, which addressed or discussed any of the following subjects.
- a. The AMPGS Project.
  - b. The potential for federal regulation of greenhouse gas emissions.
  - c. Future CO<sub>2</sub> allowance or Carbon tax prices.
  - d. The risks associated with building and/or operating new coal fired power plants.
  - e. The economics of pursuing a new coal-fired power plant given the potential for federal regulation of greenhouse gas emissions.
  - f. The AMP system fuel mix.
  - g. The resource needs of AMP participants.
  - h. The cost and schedule of the proposed AMPGS Project.
  - i. The selection of the technology for the AMPGS Project.
  - j. The possible schedule for, cost of, or equipment required for carbon capture and sequestration.
  - k. The potential for energy efficiency or demand side management.
  - l. The potential for renewable resources.
  - m. The February 2007 Member Power Supply Analysis or the May 2007 update to that Analysis.
  - n. The technical and/or commercial viability of carbon capture and sequestration technology for the AMPGS Project.

19. Provide copies of the materials used in presentations given at meetings of the AMP Board of Trustees, and all committee(s) thereof, since January 1, 2006 which addressed or discussed any of the following subjects.

- a. The AMPGS Project.
- b. The potential for federal regulation of greenhouse gas emissions.
- c. Future CO<sub>2</sub> allowance or Carbon tax prices.
- d. The risks associated with building and/or operating new coal fired power plants.
- e. The economics of pursuing a new coal-fired power plant given the potential for federal regulation of greenhouse gas emissions.
- f. The AMP system fuel mix.
- g. The resource needs of AMP participants.
- h. The cost and schedule of the proposed AMPGS Project.
- i. The selection of the technology for the AMPGS Project.
- j. The possible schedule for, cost of, or equipment required for carbon capture and sequestration.
- k. The potential for energy efficiency or demand side management.
- l. The potential for renewable resources.
- m. The February 2007 Member Power Supply Analysis or the May 2007 update to that Analysis.
- n. The technical and/or commercial viability of carbon capture and sequestration technology for the AMPGS Project.



20. Provide copies of the minutes or other notes of any meetings of the Participants Committee held since January 1, 2006, at which any of the following subjects were discussed.
- a. The AMPGS Project.
  - b. The potential for federal regulation of greenhouse gas emissions.
  - c. Future CO<sub>2</sub> allowance or Carbon tax prices.
  - d. The risks associated with building and/or operating new coal fired power plants.
  - e. The economics of pursuing a new coal-fired power plant given the potential for federal regulation of greenhouse gas emissions.
  - f. The AMP system fuel mix.
  - g. The resource needs of AMP participants.
  - h. The cost and schedule of the proposed AMPGS Project.
  - i. The selection of the technology for the AMPGS Project.
  - j. The possible schedule for, cost of, or equipment required for carbon capture and sequestration.
  - k. The potential for energy efficiency or demand side management.
  - l. The potential for renewable resources.
  - m. The February 2007 Member Power Supply Analysis or the May 2007 update to that Analysis.
  - n. The technical and/or commercial viability of carbon capture and sequestration technology for the AMPGS Project.

21. Provide copies of the documents provided to the members of the Participants Committee since January 1, 2006, which addressed or discussed any of the following subjects.

- a. The AMPGS Project.
- b. The potential for federal regulation of greenhouse gas emissions.
- c. Future CO<sub>2</sub> allowance or Carbon tax prices.
- d. The risks associated with building and/or operating new coal fired power plants.
- e. The economics of pursuing a new coal-fired power plant given the potential for federal regulation of greenhouse gas emissions.
- f. The AMP system fuel mix.
- g. The resource needs of AMP participants.
- h. The cost and schedule of the proposed AMPGS Project.
- i. The selection of the technology for the AMPGS Project.
- j. The possible schedule for, cost of, or equipment required for carbon capture and sequestration.
- k. The potential for energy efficiency or demand side management.
- l. The potential for renewable resources.
- m. The February 2007 Member Power Supply Analysis or the May 2007 update to that Analysis.
- n. The technical and/or commercial viability of carbon capture and sequestration technology for the AMPGS Project.

22. Provide copies of the materials used in presentations given at meetings of the Participants Committee since January 1, 2006 which addressed or discussed any of the following subjects.

- a. The AMPGS Project.
- b. The potential for federal regulation of greenhouse gas emissions.
- c. Future CO<sub>2</sub> allowance or Carbon tax prices.
- d. The risks associated with building and/or operating new coal fired power plants.
- e. The economics of pursuing a new coal-fired power plant given the potential for federal regulation of greenhouse gas emissions.
- f. The AMP system fuel mix.
- g. The resource needs of AMP participants.
- h. The cost and schedule of the proposed AMPGS Project.
- i. The selection of the technology for the AMPGS Project.
- j. The possible schedule for, cost of, or equipment required for carbon capture and sequestration.
- k. The potential for energy efficiency or demand side management.
- l. The potential for renewable resources.
- m. The February 2007 Member Power Supply Analysis or the May 2007 update to that Analysis.
- n. The technical and/or commercial viability of carbon capture and sequestration technology for the AMPGS Project.

23. Reference page ES-20 of the R.W. Beck June 2007 Initial Project Feasibility Study.  
Provide a copy of the February 2007 Member Power Supply Analysis and the long-term power supply plans prepared for each of the following AMPGS Project Participants: Cleveland, Cuyahoga Falls, Hudson, Oberlin, Wadsworth and Bowling Green.
24. Reference page ES-21 of the R.W. Beck June 2007 Initial Project Feasibility Study.  
Provide the following input assumptions used in the development of the February 2007 Member Power Supply Analysis and the long-term power supply plans prepared for the 119 AMP-Ohio members:
- a. Construction costs for the future generic base load coal, natural gas-fired combined cycle and peak resources, the AMPGS Project, the Prairie State Energy Campus, the proposed AMP-Ohio hydroelectric plants and future wind plants.
  - b. Coal and natural gas prices.
  - c. Plant capacity factors and availability.
  - d. CO<sub>2</sub> prices or a carbon tax.
  - e. Specify the assumptions that were used for the potential for and cost of demand-side management or energy efficiency programs or measures.
25. Reference page ES-21 of the R.W. Beck June 2007 Initial Project Feasibility Study.  
Please explain why a study period of only 20 years, i.e., 2008-2027, was used in the development of the power supply plans, when the proposed AMPGS Project is expected to have a 40 year operating life and not commence operations until 2013.

26. Reference page ES-21 of the R.W. Beck June 2007 Initial Project Feasibility Study.  
Provide the manual for the SERF model.

27. Provide the workpapers and source documents for Figure 6 on page ES-22 of the R.W.  
Beck June 2007 Initial Project Feasibility Study.

28. Provide the workpapers and source documents for Figures 7 and 8 on page ES-26 of the  
R.W. Beck June 2007 Initial Project Feasibility Study.

29. Provide copies of any assessments or analyses, prepared by or for AMP-Ohio, in which the economic costs of the proposed AMPGS Project have been compared to alternative supply side resources.

30. Provide copies of any assessments or analyses, prepared by or for AMP-Ohio, in which the economic costs of the proposed AMPGS Project have been compared to demand-side resources. Include any underlying analyses and input assumptions used to generate the cost-effectiveness profiles for each demand side option.

31. Reference the Quantitative Risk Assessment discussed at pages ES-31 to ES-34 of the R.W. Beck June 2007 Initial Project Feasibility Study.

- a. Provide the workpapers and source documents, including but not limited to the input and output data files, in electronic excel or ASCII format, for each of the analyses of construction cost risks and potential CO<sub>2</sub> risks.
- b. Specify in \$/MWh the range of CO<sub>2</sub> prices used in the Risk Assessment.
- c. Provide the workpapers and source documents for Figure 11 and Table 9.

32. Reference page ES-35 of the R.W. Beck June 2007 Initial Project Feasibility Study.

- a. Provide the workpapers and source documents for the estimated construction cost of the AMPGS Project.
- b. Provide the evidence that supports the statement on page ES-35 that this cost estimate “reflects equipment, material and labor market conditions in the region of the AMPGS Project as of the date of this Report.”
- c. Provide the evidence that supports the statement that the estimated cost of the AMPGS Project is “comparable to similar projects with which [R.W. Beck is] familiar.”

33. Reference page ES-35 of the R.W. Beck June 2007 Initial Project Feasibility Study.

Provide the workpapers and source documents which form the basis for the statement that the project power costs of the AMPGS Project “are comparable with similar projects with which [R.W. Beck is] familiar.”

34. Reference pages ES-35 to ES-36 of the R.W. Beck June 2007 Initial Project Feasibility Study. Provide the workpapers and source documents which form the basis for each of the statements in the paragraphs listed under Initial Finding and Conclusion No. 12.

35. Provide the estimate of market prices that was used to develop the estimated Participant Surplus Energy Sales revenues shown on line 64 of Attachment ES-2 of the R.W. Beck June 2007 Initial Project Feasibility Study.

36. Provide copies of the two most recent long-term natural gas price forecasts prepared for AMP-Ohio and its current official natural gas price forecast.

37. Provide copies of any assessments prepared by or for AMP or any AMPGS Project participant which examined the potential for future increases in the capital or installed cost of the proposed AMPGS Project, including without limitation material costs, labor costs, financing costs, and equipment costs.



**38. Please provide copies of any assessments prepared by or for AMP regarding the potential or capacity for, or feasibility of CO<sub>2</sub> sequestration from the proposed AMPGS project.**

**39. Please describe and provide the documentation associated with any plan by AMP to capture and sequester the CO<sub>2</sub> that will be produced at the proposed AMPGS Project.**

**40. Please state whether any equipment for carbon capture and sequestration has been included in the design for the proposed AMPGS Project. If the answer is yes, please identify the equipment and its cost.**

41. Please state whether it is the position of AMP-Ohio that the carbon capture and sequestration that would be used on the proposed AMPGS Project is currently technologically and commercially viable.
42. Please state whether the design for the proposed AMPGS Project otherwise allows for the installation and operation of equipment for carbon capture and sequestration. If the answer is yes, please identify each way in which the design allows for the installation and operation of equipment for carbon capture and sequestration.
43. Please provide copies of any assessments or estimates, prepared by or for AMP-Ohio, of the potential costs of retrofitting the proposed plant for carbon capture and sequestration equipment (including all aspects of such retrofit, such as the need to increase federate and generating capacity to account for parasitic load loss) when that technology becomes commercially viable.

44. Please provide copies of any assessments or estimates, prepared by or for AMP-Ohio, which have addressed or examined the operating costs, performance penalties, and/or additional fuel needs that can be expected to be experienced as a result of the addition and use of carbon capture and sequestration equipment.
45. Discuss AMP's view on the likelihood that the proposed AMPGS Project will be grandfathered under federal legislation regulating greenhouse gas emissions, and provide the specific basis for any assumption that CO2 emissions from the proposed AMPGS project will be grandfathered under such legislation.
46. Explain if AMP-Ohio has compared the cost of generating power at the proposed AMPGS Project with the cost of implementing energy efficiency or demand side management measures. If the answer is no, please explain why not. If the answer is yes, please provide the studies and assessments in which such comparisons were made.

47. Reference pages 2-12 and 2-13 of the R.W. Beck June 2007 Initial Project Feasibility Study. Provide the following input assumptions used in the development of the updated Member Power Supply Analysis that was prepared in May 2007:

- a. Construction costs for the future generic base load coal, natural gas-fired combined cycle and peak resources, the AMPGS Project, the Prairie State Energy Campus, the proposed AMP-Ohio hydroelectric plants and future wind plants.
- b. Coal and natural gas prices.
- c. Plant capacity factors and availability.
- d. CO<sub>2</sub> prices or a carbon tax.
- e. The assumptions that were used for the potential for and cost of demand-side management or energy efficiency programs or measures.

Please also provide the workpapers and source documents for Figures 2-4 and 2-5.

48. Reference Table 4-7 on page 4-18 of the R.W. Beck June 2007 Initial Project Feasibility Study.

- a. Explain how the expected values of the CO<sub>2</sub> tax were developed and provide the associated workpapers and source documents.
- b. Please state whether the figures in Table 4-7 are in 2006 dollars. If not, please state in what year's dollars the figures are presented.

49. Reference pages 7-14 and 7-15 of the R.W. Beck June 2007 Initial Project Feasibility Study.
- a. Specify the experience related to the construction and construction costs for coal plants similar to AMPGS which forms the basis for the assumption that the total estimated construction costs reflected in the Base Case could vary by +15 percent or -5 percent.
  - b. Specify any experience which forms the basis for the assumption that the construction schedule could be early by 3 months or delayed by as much as 12 months.
50. Provide the workpapers and source documents for Figure 7-18 on page 7-19 of the R.W. Beck June 2007 Initial Project Feasibility Study.
51. Reference page 7-19 of the R.W. Beck June 2007 Initial Project Feasibility Study.  
Provide the workpapers in which the annual levelized cost of \$77.55/Mwh as developed.

**52. Provide the workpapers and source documents for Figure 7-19 and Table 7-3 on page 7-20 and 7-21 of the R.W. Beck June 2007 Initial Project Feasibility Study.**

**53. Provide copies of any assessments that have been prepared by or for AMP of the use of Integrated Gasification Combined Cycle ("IGCC") technology for the proposed AMPGS project – including all assumptions, estimates, and calculations regarding the cost, pollution control performance, technical feasibility, and availability of IGCC.**

**54. Provide copies of any assessments that have been prepared by or for AMP of the use of Powerspan's pollution control technologies for the proposed AMPGS project – including all assumptions, estimates, and calculations regarding the cost, pollution control performance, technical feasibility, and availability of such technologies.**

55. Provide copies of any assessments that have been prepared by or for AMP of the cost, feasibility, and alternatives for satisfying current and likely future regulatory limits on mercury emissions from the proposed AMPGS project.

56. Provide copies of any assessments that have been prepared by or for AMP regarding disposal methods for scrubber sludge, fly ash, bottom ash, and waste water from the proposed AMPGS, including all assumptions, estimates, and calculations regarding the cost, effectiveness, and environmental impacts of such disposal methods.

57. Provide and explain any plans that AMP has for monitoring for the possible leaching of toxic metals (such as mercury) into groundwater from scrubber sludge, fly ash, and bottom ash from the proposed AMPGS, including all assumptions, estimates, and calculations regarding the cost and effectiveness of such monitoring.

58. Provide copies of any notices of violations issued against any power source owned or operated by AMP, and explain the status of each such notice.

59. Provide copies of any assessments, including cost estimates, for the delivery of coal to the proposed AMPGS project.

Respectfully Submitted:



Shannon Fisk  
Staff Attorney  
Natural Resources Defense Council  
101 N. Wacker Dr., Suite 609  
Chicago, Illinois 60606  
(312) 780-7431 (phone)  
(312) 663-9900 (fax)  
[sfisk@nrdc.org](mailto:sfisk@nrdc.org)

/s/ Trent Dougherty

Trent Dougherty  
Staff Attorney  
Ohio Environmental Council  
1207 Grandview Ave., Suite 201  
Columbus, Ohio 43212  
(614) 487-7506 (phone)  
(614) 487-7510 (fax)  
[trent@theoec.org](mailto:trent@theoec.org)



/s/ Sanjay Narayan  
Sanjay Narayan  
Staff Attorney  
Sierra Club Environmental Law Program  
85 Second St., Second Floor  
San Francisco California 94105  
(415) 977-5769 (phone)  
(415) 977-5793 (fax)  
[Sanjay.Narayan@sierraclub.org](mailto:Sanjay.Narayan@sierraclub.org)

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been served on the following via electronic mail at the e-mail addresses listed below on this 9<sup>th</sup> day of November, 2007:

April R. Bott  
Chester, Wilcox & Saxbe, LLC  
65 E. State Street, Suite 1000  
Columbus, Ohio 43215  
[abott@cwslaw.com](mailto:abott@cwslaw.com)

John W. Bentine  
Chester, Wilcox & Saxbe, LLC  
65 E. State Street, Suite 1000  
Columbus, Ohio 43215  
[jbentine@cwslaw.com](mailto:jbentine@cwslaw.com)

Stephen C. Fitch  
Chester, Wilcox & Saxbe, LLC  
65 E. State Street, Suite 1000  
Columbus, Ohio 43215  
[sfitch@cwslaw.com](mailto:sfitch@cwslaw.com)

Nathaniel S. Orosz  
Chester, Wilcox & Saxbe, LLC  
65 E. State Street, Suite 1000  
Columbus, Ohio 43215  
[norosz@cwslaw.com](mailto:norosz@cwslaw.com)

William L. Wright  
Assistant Attorney General  
Public Utilities Section  
180 E. Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215  
[William.wright@puc.state.oh.us](mailto:William.wright@puc.state.oh.us)

John H. Jones  
Assistant Attorney General  
Public Utilities Section  
180 E. Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215  
[john.jones@puc.state.oh.us](mailto:john.jones@puc.state.oh.us)

Margaret A. Malone  
Assistant Attorney General  
Environmental Enforcement Section  
30 E. Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215  
[MMalone@atg.state.oh.us](mailto:MMalone@atg.state.oh.us)

Elisa Young  
48360 Carmel Road  
Racine, Ohio 45771  
[Elisa@EnergyJustice.net](mailto:Elisa@EnergyJustice.net)

Trent Dougherty  
Staff Attorney  
Ohio Environmental Council  
1207 Grandview Ave., Suite 201  
Columbus, Ohio 43212  
[Trent@theoec.org](mailto:Trent@theoec.org)

Sanjay Narayan  
Staff Attorney  
Sierra Club Environmental Law Program  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, California 94105  
[Sanjay.Narayan@sierraclub.org](mailto:Sanjay.Narayan@sierraclub.org)

A handwritten signature in black ink, appearing to read "Shannon Fisk". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

---

Shannon Fisk



NATURAL RESOURCES DEFENSE COUNCIL

August 17, 2007

VIA FACSIMILE (216-420-7514)

William Zigli  
Assistant Commissioner  
Cleveland Public Power  
Public Utility Building  
1201 Lakeside Avenue  
Cleveland, Ohio 44114

**RE: Public Records Request Regarding Cleveland Public Power and the  
Proposed American Municipal Power Plant in Meigs County, Ohio**

Dear Mr. Zigli:

On behalf of the Natural Resources Defense Council ("NRDC") and Ohio Citizen Action ("OCA"), and pursuant to the Ohio Public Records Act, O.R.C. 149.43, I hereby request all of the following records, as defined in O.R.C. 149.011(G), created, received by, or coming under the jurisdiction of Cleveland Public Power:

- Cleveland Public Power's "Analysis of Strategic Options"
- All records analyzing the costs and/or benefits of the increased purchase of power from coal-fired power plants
- All records relating to American Municipal Power-Ohio's ("AMP-Ohio") proposed coal-fired power plant in Meigs County, Ohio. This request includes, but is not limited to, all records relating to AMP-Ohio's needs assessment completed in 2003 by Sargent & Lundy, and Cleveland's hiring of Middough Consulting to analyze the AMP-Ohio project.

NRDC and OCA are non-profit organizations that seek these records in order to access and disseminate information regarding the welfare and legal rights of the general public with regards to Cleveland Public Power and the proposed AMP-Ohio power plant. This request does not have a personal or commercial benefit as its purpose and, as such, any fees related to this request should be waived.

101 N. Wacker Drive, Suite 609  
Chicago, IL 60606  
TEL 312 663-9900  
FAX 312 663-9920  
www.nrdc.org

NEW YORK \* WASHINGTON DC \* SAN FRANCISCO \* LOS ANGELES \* BEIJING

EXHIBIT

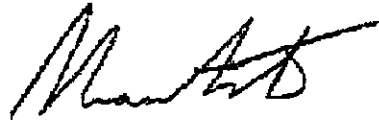
B

As used herein, the term "records" includes but is not limited to reports, studies, maps, charts, memoranda, documents, correspondence, notes, e-mails, electronic records, contents of any wire or electronic communication, facsimiles, and invoices.

Consistent with the requirement that you provide documents "within a reasonable period of time," O.R.C. 149.43(B)(1), (7), we expect a response to this request within 7 working days. Please contact me at (312) 780-7431 regarding what records you have that are responsive to this request before incurring any costs for compiling, copying, or delivering your response. If you deny any part of this request, please provide the reason(s) for such denial, including citation to any exemption claimed to authorize the denial. O.R.C. 149.43(B)(3).

Please let me know if you have any questions or need clarification of any part of this request. Thank you for your time and consideration.

Sincerely,



---

Shannon Fisk  
Staff Attorney  
Natural Resources Defense Council, Inc.