

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Columbus)
Southern Power Company for Approval of)
its Electric Security Plan; an Amendment to)
its Corporate Separation Plan; and the Sale or)
Transfer of Certain Generating Assets)

Case No: 08-917-EL-SSO

In the Matter of the Application of Ohio Power)
Company for Approval of its Electric Security)
Plan; and an Amendment to its Corporate)
Separation Plan)

Case No: 08-918-EL-SSO

**COLUMBUS SOUTHERN POWER COMPANY'S
AND OHIO POWER COMPANY'S
MOTION TO STRIKE PORTION OF
BRIEF FILED BY
OHIO CONSUMER AND ENVIRONMENTAL ADVOCATES**

Columbus Southern Power Company and Ohio Power Company, collectively the "Companies," file this motion to strike the following portion of the brief filed by Ohio Consumers' Counsel (OCC) and Sierra Club Ohio Chapter (Sierra Club) under the name Ohio Consumer and Environmental Advocates:

1. Page 63, beginning with the sentence starting on line 2, through the first two lines on page 64 and, footnotes 244-248.

Memorandum in Support

In the portion of OCC's and Sierra Club's brief identified above, those intervenors cite and rely upon the testimony of OCC's witness Effron in the FirstEnergy company's distribution rate proceeding, Case No. 07-551-EL-AIR.¹

¹ In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Increase Rates for Distribution Service, Modify Certain Accounting Practices and for Tariff Approvals, Case No. 07-551-EL-AIR et al.

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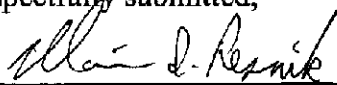
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Mr. Effron was not a witness in the Companies' Electric Security Plan proceeding. He was not available for the Companies or any other party to cross-examine in the ESP proceeding. To consider Mr. Effron's testimony in this proceeding would be an obvious denial of the Companies' due process rights.

OCC and Sierra Club offer absolutely no explanation for their reliance in this proceeding on testimony offered in a prior case to which the Companies were not parties. Of course, no explanation possibly could justify this most unusual and inappropriate tactic.

Therefore, the Commission should strike the portion of OCC's and Sierra Club's brief identified above.

Respectfully submitted,



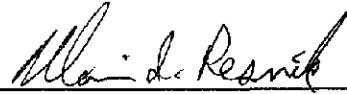
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Columbus Southern Power Company's and Ohio Power Company's Motion to Strike Portion of Brief Filed by Ohio Consumer and Environmental Advocates was served by electronic mail upon the individuals listed below this 7th day of January, 2009.



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