

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Columbus Southern Power Company for a)
Certificate of Environmental Compatibility) Case No. 07-715-EL-BTX
and Public Need to Construct the Don)
Marquis 138-Kilovolt Transmission Line)

ENTRY

The Administrative Law Judge finds:

- (1) By entry issued February 5, 2008, a motion for protective order filed by Columbus Southern Power Company (CSP) was granted. More specifically, the Administrative Law Judge (ALJ) determined that the information filed under seal on December 21, 2007, constituted critical energy infrastructure information (CEII) as defined by the Federal Energy Regulatory Commission and, therefore, the information was entitled to protective treatment. Pursuant to the entry and Rule 4906-07-07(H), Ohio Administrative Code (O.A.C.), the protective order was set to expire on August 5, 2009.
- (2) On June 18, 2009, CSP filed a motion with the Ohio Power Siting Board (Board) for an extension of the order granting the company's motion for a protective order.
- (3) After reviewing the information filed under seal, the ALJ finds that CSP's request for an extension of the protective order is reasonable. Accordingly, CSP's request for an extension of the protective order should be granted.
- (4) Pursuant to Rule 4906-07-07(H)(6), O.A.C., the information filed under seal in this matter shall be granted protective treatment for 18 months from the date this entry is issued. Any request to extend the protective order must be filed at least 45 days before the order expires.
- (5) Further, the ALJ notes that, in *In the Matter of the Review of Chapters 4901-1, 4901-3, and 4901-9 of the Ohio Administrative Code*, Case No. 06-685-AU-ORD, Opinion and Order at 39 (December 6, 2006), the Public Utilities Commission of Ohio (Commission), as a part of considering whether to revise Rule

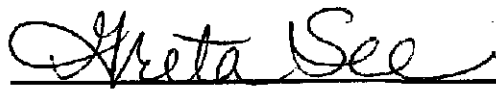
4901-1-24(F), O.A.C.,¹ discussed situations wherein an applicant for a protective order believes that a protective order for a period of time longer than 18 months would be appropriate. Therein, in such situations, the Commission suggested that the applicant file a motion for a waiver of the 18-month standard duration of a protective order. In light of the fact that CSP has applied for an extension of the protective order and the information has been determined to constitute CEII, the ALJ suggests that, if CSP files another request for an extension of the protective order, it consider including such a motion for waiver.

It is, therefore,

ORDERED, That CSP's motion for an extension of the protective order is granted. It is, further,

ORDERED, That a copy of this entry be served upon CSP and its counsel, and all other interested persons of record.

THE OHIO POWER SITING BOARD

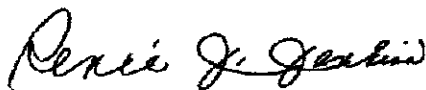


By: Greta See
Administrative Law Judge

WOK
/ct

Entered in the Journal

AUG 14 2009



Renee J. Jenkins
Secretary

¹ Rule 4901-1-24(F), O.A.C., parallels the Board's Rule 4906-07-07(H)(6), O.A.C.