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Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

Janine L. Migden-Ostrander
Consumers' Counsel

August 16, 2010

Renee Jenkins
Chief of Docketing
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43266-0573

PUCO

2010 AUG 16 PM 5:13

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Re: *In the Matter of the Fuel Adjustment Clauses for Columbus Southern Power Company and Ohio Power Company ("AEP Ohio")*, Case No. 09-872-EL-FAC, and 09-873-EL-FAC.

Dear Ms. Jenkins:

The Office of the Ohio Consumers' Counsel ("OCC") requests that the attached testimony of Daniel Duann be filed under seal. OCC's request to file Dr. Duann's testimony under seal is consistent with the Hearing Examiner's June 29, 2010 Entry that AEP Ohio's May 14, 2010 motion for protective order is reasonable.¹ The Hearing Examiner ruled that the information AEP Ohio redacted from the confidential version of the May 14, 2010 report of the Management/Performance and Financial Audits of AEP Ohio's FAC was reasonable.² Dr. Duann's testimony includes information that OCC acknowledges was obtained pursuant to a protective agreement with AEP Ohio. The protective agreement that OCC and AEP Ohio signed provides for such information to be treated as confidential and protected (subject to OCC's right under the protective agreement to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law).

The OCC's request regarding the treatment of Dr. Duann's testimony, without an accompanying separate motion, follows the Attorney Examiner's instructions at the August 16, 2010 prehearing conference. Parties were instructed to make their filings under seal based upon the June 29, 2010 Entry.

OCC will also file a redacted version of Mr. Duann's testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Idzkowski".

Michael E. Idzkowski
Assistant Consumers' Counsel

¹ Entry at 2. (June 29, 2010).

² See Id.

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