

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Fuel Adjustment) Case No. 09-872-EL-FAC
Clauses for Columbus Southern Power)
Company and Ohio Power Company.) Case No. 09-873-EL-FAC
)

MOTION FOR PROTECTIVE ORDER
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by Columbus Southern Power Company and Ohio Power Company ("CSP" and "OP," respectively, and "AEP Ohio" or "Companies", collectively).¹ Information was presented at the hearing in this proceeding that was subject to one or more protective agreements, and AEP Ohio asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect the undisclosed (redacted) portions of OCC's Post-Hearing Brief that are asserted to be confidential by the Companies. Subject to OCC's rights under the protective agreement, OCC is filing a Post-Hearing Brief under seal, and is also filing a public version that shows all information not claimed by AEP Ohio to be confidential.

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Date Processed 9-24-2010

¹ This Motion is filed pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D).

By filing the instant Motion, OCC does not concede that the redacted information constitutes trade secret information. However, OCC acknowledges that it has obtained this information pursuant to a protective agreement with AEP Ohio or subject to protection at hearing, and that the OCC has agreed to protect such information (subject to OCC's right under its protective agreement to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law).

The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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Clauses for Columbus Southern Power)	
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MEMORANDUM IN SUPPORT

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of OCC's Post-Hearing Brief. In filing this Motion, OCC does not concede that the information in the Post-Hearing Brief is trade secret information pursuant to R.C. 1333.61(D) and does not concede that the information is deserving of protection from public revelation under Ohio Adm. Code 4901-1-24(D).

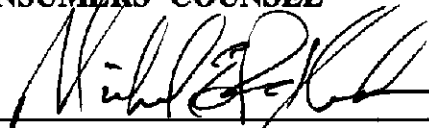
OCC understands that AEP Ohio considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC's understanding is based on claims by AEP Ohio that the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. See R.C. 1333.61(D). Under the assertions made by the Companies, at this time, confidential treatment of the redacted information in OCC's Post-Hearing Brief would be appropriate, subject to OCC's rights under its protective agreement with AEP-Ohio to initiate a process to determine whether the information should be protected.

In addition, OCC is filing a public version of the Post-Hearing Brief so that all information not claimed by AEP Ohio to be confidential is accessible for the public's review. The public version does not contain information that was asserted by AEP Ohio to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

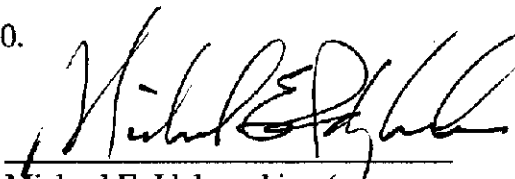


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order* by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via regular U.S. Mail service, postage prepaid and a courtesy copy via electronic transmission this 23rd day of September 2010.


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