

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

5  
RECEIVED-DOCKETING DIV  
2010 OCT 15 AM 11:05  
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).<sup>1</sup> 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 Reply 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 Reply Post-Hearing Brief under seal, and is also filing a public version that shows all information not claimed by AEP Ohio to be confidential.

---

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

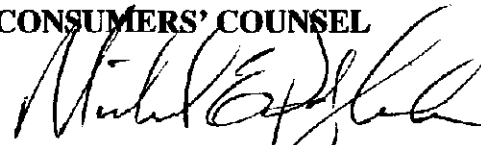
**This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business  
technician \_\_\_\_\_ Date Processed OCT 15 2010**

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**



---

Michael E. Idzkowski, Counsel of Record  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone: (614) 466-8574  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

---

**MEMORANDUM IN SUPPORT**

---

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of OCC's Reply Post-Hearing Brief. In filing this Motion, OCC does not concede that the information in the Reply 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).

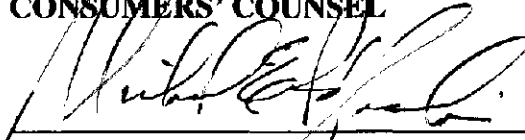
OCC understands that AEP Ohio considers the undisclosed (redacted) information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). OCC's understanding is based on claims by AEP Ohio that the information (1) derives economic value, actual or potential, 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 Reply 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 Reply 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**



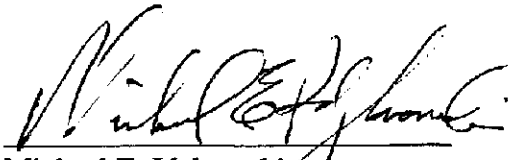
---

Michael E. Idzkowski, Counsel of Record  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone: (614) 466-8574  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)

## **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 15<sup>th</sup> day of October 2010.



Michael E. Idzkowski  
Assistant Consumers Counsel

## **SERVICE LIST**

Steven T. Nourse  
American Electric Power Service  
Corp.  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215  
[stnourse@aep.com](mailto:stnourse@aep.com)

Thomas McNamee  
Ohio Attorney General's Office  
Public Utilities Commission of  
Ohio  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, OH 43215  
[Thomas.mcnamee@puc.state.oh.us](mailto:Thomas.mcnamee@puc.state.oh.us)

Samuel C. Randazzo  
Lisa G. McAlister  
Joseph M. Clark  
Mc Nees Wallace & Nurick, LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, OH 43215  
[sam@wmncmh.com](mailto:sam@wmncmh.com)  
[lmcalister@mwncmh.com](mailto:lmcalister@mwncmh.com)  
[jclark@mwncmh.com](mailto:jclark@mwncmh.com)

**Attorneys for Industrial Energy  
Users-Ohio**

Clinton A. Vince  
Douglas G. Bonner  
Daniel D. Barnowski  
Keith C. Nusbaum  
Emma C. Hand  
Sonnenschein Nath & Rosenthal  
1301 K Street NW  
Suite 600, East Tower  
Washington, DC 20005  
[cvince@sonnenschein.com](mailto:cvince@sonnenschein.com)  
[dbonner@sonnenschein.com](mailto:dbonner@sonnenschein.com)  
[dbarnowski@sonnenschein.com](mailto:dbarnowski@sonnenschein.com)  
[ehand@sonnenschein.com](mailto:ehand@sonnenschein.com)  
[knusbaum@sonnenschein.com](mailto:knusbaum@sonnenschein.com)

**Attorneys for Ormet Primary  
Aluminum Corporation**