

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2011 OCT 18 AM 8:54

FILE

In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals.)

Case No. 10-2376-EL-UNC PUCO

In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan.)

Case No. 11-346-EL-SSO
Case No. 11-348-EL-SSO

In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority.)

Case No. 11-349-EL-AAM
Case No. 11-350-EL-AAM

In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders.)

Case No. 10-343-EL-ATA

In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders.)

Case No. 10-344-EL-ATA

In the Matter of the Commission Review Of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company.)

Case No. 10-2929-EL-UNC

In the Matter of the Application of Columbus Southern Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Ordered Under Ohio Revised Code 4928.144.)

Case No. 11-4920-EL-RDR

In the Matter of the Application of Ohio Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Ordered Under Ohio Revised Code 4928.144.)

Case No. 11-4921-EL-RDR

MOTION FOR PROTECTIVE TREATMENT OF SUPPLEMENTAL MEMORANDUM
CONTRA INDUSTRIAL ENERGY USERS-OHIO'S MOTION TO DISQUALIFY

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On October 14, 2011, Industrial Energy Users-Ohio ("IEU") requested a closed bench conference with counsel for the OMA Energy Group ("OMAEG"). The Attorney Examiner explained that she would keep the portion of the transcript on the bench conference closed until further notice.

On October 17, 2011, counsel for Bricker and OMAEG filed a response to IEU's oral Motion. Concurrently, IEU filed a written Motion. Both pleadings were filed under seal pursuant to the Attorney Examiner's instructions.

The Attorney Examiner permitted counsel for Bricker and OMAEG to file a supplemental response to IEU's written Motion by 9:00 am on October 18, 2011.

In light of the nature of the subject and pursuant to Rule 4901-1-24(D), Ohio Administrative Code ("OAC"), and the Attorney Examiner's instructions, counsel for the OMAEG and Bricker hereby move the Commission for a protective order to shield the Supplemental Memorandum Contra from the public record unless and until the Commission determines otherwise. The grounds for the Motion are set forth in the attached Memorandum in Support.

Consistent with the requirements of Rule 4901-1-24(D), OAC, counsel for OMAEG and Bricker has filed under seal three (3) unredacted copies of the confidential Reply that are the subject of this motion.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

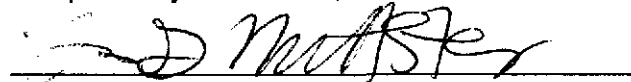
Rule 4901-1-24(D), OAC, provides that the Commission or certain designated Commission employees may issue an order "which is necessary to protect the

confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed . . . to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.”

Counsel for OMAEG and Bricker assert that the information being submitted is of such a sensitive nature that it should be given confidential treatment unless and until the Commission orders otherwise.

Moreover, the information relates to discussions had during a bench conference that the Attorney Examiner has deemed closed until further notice. In respect of that ruling, OMAEG requests that the Reply be kept confidential unless and until the Commission orders otherwise.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Protective Treatment was served via electronic mail upon the following, this 18th day of October 2011.



Lisa McAlister

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