

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio )  
Power Company and Columbus Southern ) Case No. 10-2376-EL-UNC  
Power Company for Authority to Merge )  
and Related Approvals. )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company for Authority to ) Case No. 11-346-EL-SSO  
Establish a Standard Service Offer ) Case No. 11-348-El-SSO  
Pursuant to Section 4928.143, Revised )  
Code, in the Form of an Electric Security )  
Plan. )

In the Matter of the Application of )  
Columbus Southern Power Company and ) Case No. 11-349-EL-AAM  
Ohio Power Company for Approval of ) Case No. 11-350-EL-AAM  
Certain Accounting Authority. )

In the Matter of the Application of )  
Columbus Southern Power Company to ) Case No. 10-343-EL-ATA  
Amend its Emergency Curtailment )  
Service Riders. )

In the Matter of the Commission Review )  
of the Capacity Charges of Ohio Power ) Case No. 10-344-EL-ATA  
Company and Columbus Southern Power )  
Company. )

In the Matter of the Application of )  
Columbus Southern Power Company for )  
Approval of a Mechanism to Recover ) Case No. 11-4920-EL-RDR  
Deferred Fuel Costs Ordered Under )  
Section 4928.144, Ohio Revised Code. )

In the Matter of the Application of Ohio )  
Power Company for Approval of a )  
Mechanism to Recover Deferred Fuel ) Case No. 11-4921-EL-RDR  
Costs Ordered Under Section 4928.144, )  
Ohio Revised Code. )

ENTRY

The attorney examiner finds:

- (1) By entry issued November 18, 2011, the attorney examiner found that, unless otherwise ordered, certain documents subject to a public records request and identified in paragraph 19 of the October 19, 2011, supplemental joint motion for protective order<sup>1</sup> would be released in redacted form on November 25, 2011, following an opportunity for the parties to conduct an *in camera* review of the redacted documents.
- (2) On November 23, 2011, following an *in camera* review, counsel for Columbus Southern Power Company and Ohio Power Company (AEP-Ohio or the Companies) filed an interlocutory appeal of the attorney examiner's proposed release of the document identified as number 92 in redacted form. Among other things, AEP-Ohio argues that document 92 represents terms sheets that the Companies have consistently argued should be protected from release in any form under paragraph 18 of the October 19, 2011, supplemental joint motion for protective order.
- (3) AEP-Ohio's argument is that, essentially, the attorney examiner has denied the Companies' motion for protective order by directing the release of the document in redacted form. Therefore, an immediate interlocutory appeal to the Commission of the attorney examiner's ruling is warranted pursuant to Rule 4901-1-15(A), Ohio Administrative Code. Accordingly, document 92 shall be withheld from the identified documents subject to release on November 25, 2011. The remaining documents identified in the November 18, 2011, attorney examiner entry will be released on November 25, 2011, in redacted form.

It is, therefore,

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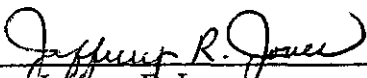
<sup>1</sup> The parties signing the October 19, 2011, supplemental joint motion include: Columbus Southern Power Company and Ohio Power Company, Ohio Energy Group, Constellation NewEnergy, Inc., Constellation Energy Commodities Group, Inc., Exelon Generation Company, LLC, Duke Energy Retail Sales, LLC, Ohio Hospital Association, AEP Retail Energy Partners LLC, Paulding Wind Farm LLC, EnerNoc, Inc., Environmental Law and Policy Center, Kroger Company, and Association of Independent Colleges and Universities of Ohio

ORDERED, That document 92 be withheld from release on November 25, 2011, and be subject to an immediate interlocutory appeal in accordance with finding 3. It is, further,

ORDERED, That the remaining documents identified for release in the November 18, 2011, entry be released in redacted form on November 25, 2011. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in these matters.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jeffrey R. Jones  
Attorney Examiner

/vrm <sup>PS</sup>

Entered in the Journal

**NOV 25 2011**



Betty McCauley

Secretary