

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

11
RECEIVED-BOOKETING DIV
2012 MAY -4 PM 3:19
PUCO

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 §4928.143, Ohio Rev. 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.)

MOTION OF INDUSTRIAL ENERGY USERS-OHIO
FOR PROTECTIVE ORDER
AND MEMORANDUM IN SUPPORT

Samuel C. Randazzo, Trial Attorney
Frank P. Darr
Joseph M. Olikier
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

May 4, 2012

Attorneys for Industrial Energy Users-Ohio

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 SM Date Processed MAY-04-2012

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

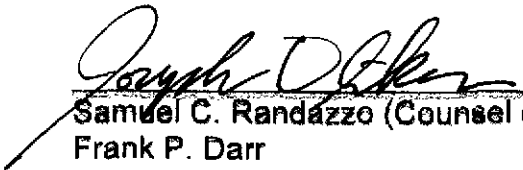
In the Matter of the Application of)	
Columbus Southern Power Company and)	
Ohio Power Company for Authority to)	Case No. 11-346-EL-SSO
Establish a Standard Service Offer)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,)	
in the Form of an Electric Security Plan.)	

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.)	

**MOTION OF INDUSTRIAL ENERGY USERS-OHIO
FOR PROTECTIVE ORDER**

Pursuant to the provisions of Rule 4901-1-24(D), Ohio Administrative Code ("O.A.C."), the Industrial Energy Users-Ohio ("IEU-Ohio") respectfully requests that the Public Utilities Commission of Ohio ("Commission") issue a protective order for the confidentiality of testimony in response to Questions 39 and 45 and Exhibit KMM-9 contained in the direct testimony of Kevin M. Murray filed on behalf of IEU-Ohio on May 4, 2012 in this proceeding for the reasons set forth in the attached Memorandum in Support.

Respectfully submitted,



Samuel C. Randazzo (Counsel of Record)

Frank P. Darr

Joseph E. Olikar

McNEES WALLACE & NURICK LLC

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Attorneys for Industrial Energy Users-Ohio

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

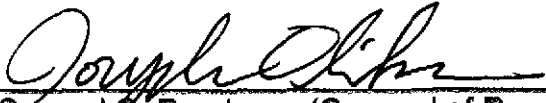
In the Matter of the Application of	)	
Columbus Southern Power Company and	)	
Ohio Power Company for Authority to	)	Case No. 11-346-EL-SSO
Establish a Standard Service Offer	)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,	)	
in the Form of an Electric Security Plan.	)	
In the Matter of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

MEMORANDUM IN SUPPORT

Contemporaneous with this Motion, IEU-Ohio has filed the direct testimony of Kevin M. Murray. By this Motion, IEU-Ohio requests confidential treatment for testimony in response to Questions 39 and 45, and Exhibit KMM-9 in the direct testimony of Kevin M. Murray which includes a response from Ohio Power Company ("OPCo") and Columbus Southern Power Company ("CSP") (collectively "the Companies") to an interrogatory in this proceeding. OPCo and CSP have designated the response as confidential and competitively sensitive and produced the response subject to a protective agreement between OPCo, CSP and IEU-Ohio. IEU-Ohio takes no position as to whether the information is a confidential trade secret under Ohio law, but files this Motion for Protective Order and Memorandum in Support pursuant to a protective agreement executed by IEU-Ohio and the Companies.

WHEREFORE, IEU-Ohio respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully submitted,



Samuel C. Randazzo (Counsel of Record)

Frank P. Darr

Joseph E. Olikier

MCNEES WALLACE & NURICK LLC

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

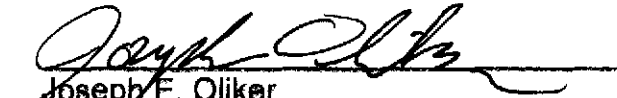
fdarr@mwncmh.com

joliker@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion of Industrial Energy Users-Ohio for Protective Order and Memorandum in Support* was served upon the following parties of record this 4th day of May 2012, via electronic transmission, hand-delivery or first class mail, postage prepaid.


Joseph E. Olikar

Matthew J. Satterwhite
Steven T. Nourse
Anne M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
mjsatterwhite@aep.com
stnourse@aep.com
amvogel@aep.com

Daniel R. Conway
Christen M. Moore
Porter Wright Morris & Arthur
41 S. High Street
Columbus, OH 43215
dconway@porterwright.com
cmoore@porterwright.com

**ON BEHALF OF COLUMBUS SOUTHERN POWER
COMPANY AND OHIO POWER COMPANY**

Dorothy K. Corbett
Amy B. Spiller
Jeanne W. Kingery
139 East Fourth Street
1303-Main
Cincinnati, OH 45202
Dorothy.Corbett@duke-energy.com
Amy.spiller@duke-energy.com
Jeanne.kingery@duke-energy.com

**ON BEHALF OF DUKE ENERGY RETAIL SALES, LLC
AND DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.**

Robert A. McMahon
Eberly McMahon LLC
2321 Kemper Lane, Suite 100
Cincinnati, OH 45206

Rocco D'Ascenzo
Elisabeth Watts
Duke Energy Ohio, Inc.
139 East Fourth Street - 1303-Main
Cincinnati, OH 45202
Elisabeth.watts@duke-energy.com
Rocco.d'ascenzo@duke-energy.com

ON BEHALF OF DUKE ENERGY OHIO, INC.

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street Suite 1510
Cincinnati, OH 45202
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com

ON BEHALF OF THE OHIO ENERGY GROUP

Gregory J. Poulos
EnerNOC, Inc.
101 Federal Street, Suite 1100
Boston, MA 02110
gpoulos@enernoc.com

ON BEHALF OF ENERNOC, INC.

Kyle L. Kern
Terry L. Etter
Maureen R. Grady
Office of the Ohio Consumers' Counsel
10 W. Broad Street, 18th Floor
Columbus, OH 43215-3485
kern@occ.state.oh.us
etter@occ.state.oh.us
grady@occ.state.oh.us

**ON BEHALF OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL**

Richard L. Sites
General Counsel & Senior Director of Health
Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

Thomas J. O'Brien
BRICKER & ECKLER, LLP
100 South Third Street
Columbus, OH 43215-4291
tobrien@bricker.com

OH BEHALF OF OHIO HOSPITAL ASSOCIATION

Mark S. Yurick
Zachary D. Kravitz
Taft Stettinius & Hollister
65 East State Street, Suite 1000
Columbus, OH 43215
myurick@taftlaw.com
zkravitz@taftlaw.com

ON BEHALF OF THE KROGER CO.

Terrence O'Donnell
Christopher Montgomery
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
todonnell@bricker.com
cmontgomery@bricker.com

ON BEHALF OF PAULDING WIND FARM II LLC

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com

James F. Lang
Laura C. McBride
N. Trevor Alexander
CALFEE, HALTER & GRISWOLD LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com
tallexander@calfee.com

David A. Kutik
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114
dakutik@jonesday.com

Allison E. Haedt
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017
aehaedt@jonesday.com

John N. Estes III
Paul F. Wight
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Ave., N.W.
Washington, DC 20005
jestes@skadden.com
paul.wight@skadden.com

ON BEHALF OF FIRSTENERGY SOLUTIONS CORP.

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttlers Avenue
Columbus, OH 43215
msmalz@ohiopoveritylaw.org
jmaskovyak@ohiopoveritylaw.org

**ON BEHALF OF THE APPALACHIAN PEACE AND
JUSTICE NETWORK**

Lisa G. McAlister
Matthew W. Warnock
Thomas O'Brien
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
lmcaster@bricker.com
mwarnock@bricker.com
tobrien@bricker.com

ON BEHALF OF OMA ENERGY GROUP

Jay E. Jadwin
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
jejadwin@aep.com

**ON BEHALF OF AEP RETAIL ENERGY PARTNERS
LLC**

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
smhoward@vorys.com

**ON BEHALF OF PJM POWER PROVIDERS GROUP
AND THE RETAIL ENERGY SUPPLY ASSOCIATION**

Glen Thomas
1060 First Avenue, Ste. 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

Laura Chappelle
4218 Jacob Meadows
Okemos, MI 48864
laurac@chappelleconsulting.net

ON BEHALF OF PJM POWER PROVIDERS GROUP

M. Howard Petricoff
Michael Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
mjsettineri@vorys.com

William L. Massey
Covington & Burling, LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004
wmassey@cov.com

Joel Malina
Executive Director
COMPLETE Coalition
1317 F Street, NW
Suite 600
Washington, DC 20004
malina@wexlerwalker.com

ON BEHALF OF THE COMPETE COALITION

Henry W. Eckhart
1200 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

Christopher J. Allwein
Williams, Allwein and Moser, LLC
1373 Grandview Ave., Suite 212
Columbus, OH 43212
callwein@williamsandmoser.com

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL AND THE SIERRA CLUB**

M. Howard Petricoff
Michael J. Settineri
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
mhpeticoff@vorys.com
mjsettineri@vorys.com
smhoward@vorys.com

**ON BEHALF OF CONSTELLATION NEWENERGY,
INC., CONSTELLATION ENERGY COMMODITIES
GROUP, INC., DIRECT ENERGY SERVICES, LLC**

Gary A Jeffries
Assistant General Counsel
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817
Gary.A.Jeffries@aol.com

ON BEHALF OF DOMINION RETAIL, INC.

David I. Fein
Vice President, Energy Policy – Midwest
Constellation Energy Group, Inc.
Cynthia Fonner Brady
Senior Counsel
Constellation Energy Resources LLC
550 West Washington Blvd., Suite 300
Chicago, IL 60661
david.fein@constellation.com
cynthia.brady@constellation.com

**ON BEHALF OF CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY COMMODITIES
GROUP, INC.**

Jeanine Amid Hummer
Thomas K. Lindsey
City of Upper Arlington
Pamela A. Fox
City of Hilliard

C. Todd Jones,
Christopher L. Miller,
Gregory H. Dunn
Asim Z. Haque
Ice Miller LLC
250 West Street
Columbus, OH 43215
pfox@hillardohio.gov
christopher.miller@icemiller.com
gregory.dunn@icemiller.com
asim.haque@icemiller.com
jhummer@uaoh.net
tlindsey@uaoh.net

**ON BEHALF OF THE CITY OF HILLIARD, OHIO, THE
CITY OF GROVE CITY, OHIO AND THE ASSOCIATION
OF INDEPENDENT COLLEGES AND UNIVERSITIES OF
OHIO, THE CITY OF UPPER ARLINGTON, THE CITY
OF HILLSBORO, OHIO**

Sandy I-ru Grace
Assistant General Counsel
Exelon Business Services Company
101 Constitution Ave., NW
Suite 400 East
Washington, DC 20001
sandy.grace@exeloncorp.com

M. Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street/P.O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vorys.com

David M. Stahl
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

**ON BEHALF OF EXELON GENERATION COMPANY,
LLC**

Kenneth P. Kreider
David A. Meyer
Keating Muething & Klekamp PLL
One East Fourth Street
Suite 1400
Cincinnati, OH 45202
kpkreider@krmklaw.com
dmeyer@krmklaw.com
Holly Rachel Smith

Holly Rachel Smith, PLLC
Hitt Business Center
3803 Rectortown Road
Marshall, VA 20115
holly@raysmithlaw.com

Steve W. Chriss
Manager, State Rate Proceedings
Wal-Mart Stores, Inc.
Bentonville, AR 72716-0550
Stephen.Chriss@wal-mart.com

**ON BEHALF OF WAL-MART STORES EAST, LP AND
SAM'S EAST, INC.**

Barth E. Royer (Counsel of Record)
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927
BarthRoyer@aol.com

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Ave., Suite 201
Columbus, OH 43212
tsantarelli@elpc.org

**ON BEHALF OF THE ENVIRONMENTAL LAW &
POLICY CENTER**

Nolan Moser
Trent A. Dougherty
Camille Yancy
Cathryn Loucas
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449
nolan@theoec.org
trent@theoec.org
camille@theoec.org
cathy@theoec.org.

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL**

Robert Korandovich
KOREnergy
P.O. Box 148
Sunbury, OH 43074
korenergy@insight.fr.com

ON BEHALF OF KOREENERGY

Douglas G. Bonner
Emma F. Hand
Keith C. Nusbaum
Clinton A. Vince
Daniel D. Barnowski
James Rubin
Thomas Millar
SNR Denton US LLP
1301 K Street NW
Suite 600, East Tower
Washington, DC 20005
doug.bonner@snrdenton.com
emma.hand@snrdenton.com
keith.nusbaum@snrdenton.com
clinton.vince@snrdenton.com
daniel.barnowski@snrdenton.com
james.rubin@snrdenton.com
thomas.millar@snrdenton.com

Arthur Beeman
SNR Denton US LLP
525 Market Street, 26th Floor
San Francisco, CA 941-5-2708
arthur.beeman@snrdenton.com

ON BEHALF OF ORMET PRIMARY ALUMINUM CORPORATION

Jay L. Kooper
Katherine Guerry
Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095
jkooper@hess.com
kguerry@hess.com

ON BEHALF OF HESS CORPORATION

Allen Freifeld
Samuel A. Wolfe
Viridity Energy, Inc.
100 West Elm Street, Suite 410
Conshohocken, PA 19428
afreifeld@viridityenergy.com
swolfe@viridityenergy.com

Jacqueline Lake Roberts,
Counsel of Record
101 Federal Street, Suite 1100
Boston, MA 02110
jroberts@enernoc.com

ON BEHALF OF CPower, Inc., Viridity Energy, Inc., EnergyConnect Inc., Converge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc.

Benita Kahn
Lija Kaleps-Clark
Vorys Sater, Seymour and Pease LLC
52 East Gay Street, P.O. Box 1008
Columbus, OH 43216-1008
bakahn@vorys.com
lkalepsclark@vorys.com

ON BEHALF OF OHIO CABLE TELECOMMUNICATIONS ASSOCIATION

Mark A. Whitt
Melissa L. Thompson
Whitt Sturtevant LLP
PNC Plaza, Suite 2020
155 East Broad Street
Columbus, OH 43215
whitt@whitt-sturtevant.com
thompson@whitt-sturtevant.com

Vincent Parisi
Matthew White
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, OH 43016
vparisi@igsenergy.com
mswhite@igsenergy.com

ON BEHALF OF INTERSTATE GAS SUPPLY, INC.

Dane Stinson
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215

ON BEHALF OF THE OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL BOARDS ASSOCIATION, THE OHIO SCHOOLS COUNCIL AND THE BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS

Chad A. Endsley
Chief Legal Counsel
Ohio Farm Bureau Federation
280 North High Street, P.O. Box 182383
Columbus, OH 43218-2383
cendsley@ofbf.org.

ON BEHALF OF THE OHIO FARM BUREAU FEDERATION

Brian P. Barger
Brady, Coyle & Schmidt, LTD
4052 Holland-Sylvania Rd.
Toledo, OH 43623
bpbarger@bcslawyers.com

**ON BEHALF OF THE OHIO CONSTRUCTION
MATERIALS COALITION**

Diem N. Kaelber
Robert J Walter
10 West Broad Street, Suite 1300
Columbus, OH 43215
kaelber@buckleyking.com
walter@buckleyking.com

ON BEHALF OF OHIO RESTAURANT ASSOCIATION

Judi L. Sobacki
Randall V. Griffin
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, OH 45432
Judi.sobacki@dplinc.com
Randall.griffin@dplinc.com

**ON BEHALF OF THE DAYTON POWER AND LIGHT
COMPANY**

Sara Reich Bruce
Ohio Automobile Dealers Association
655 Metro Place South, Suite 270
Dublin, OH 43017
sbruce@oada.com

**ON BEHALF OF THE OHIO AUTOMOBILE DEALERS
ASSOCIATION**

Joseph M. Clark
Direct Energy Services LLC
And Direct Energy Business LLC
6641 North High Street, Suite 200
Worthington, OH 43085
jmclark@vectren.com

**ON BEHALF OF DIRECT ENERGY SERVICES, LLC
AND DIRECT ENERGY BUSINESS, LLC**

Todd M. Williams
Williams Allwein and Moser, LLC
Two Maritime Plaza-Third Floor
Toledo, OH 43604
toddm@wamenergylaw.com

**ON BEHALF OF THE OHIO BUSINESS COUNCIL FOR
A CLEAN ECONOMY**

Matthew R. Cox
Matthew Cox Law, Ltd.
4145 St. Theresa Blvd.
Avon, OH 44011
matt@matthewcoxlaw.com

**ON BEHALF OF THE COUNCIL OF SMALLER
ENTERPRISES (COSE)**

Carolyn S. Flahive
Stephanie M. Chmiel
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
Carolyn.Flahive@ThompsonHine.com
Stephanie.Chmiel@ThompsonHine.com

**ON BEHALF OF BORDER ENERGY ELECTRIC
SERVICES, INC.**

Randy J. Hart
Rob Remington
David J. Michalski
200 Public Square, Suite 2800
Cleveland, OH 44114-2316
rhart@hahnlaw.com
rrremington@hahnlaw.com
djnichalski@hahnlaw.com

**ON BEHALF OF SUMMIT ETHANOL, LLC AND
FOSTORIA ETHANOL, LLC**

Robert Burke
Braith Kelly
Competitive Power Ventures, Inc.
8403 Colesville Road, Ste. 915
Silver Spring, MD 20910
rburke@cpv.com
bkelly@cpv.com

Larry F. Eisenstat
(Counsel of Record)
Richard Lehfeldt
Robert L. Kinder, Jr.
Dickstein Shapiro LLP
1825 Eye St. NW
Washington, DC 20006
eisenstatl@dicksteinshapiro.com
lehfeldtr@dicksteinshapiro.com
kinderr@dicksteinshapiro.com

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

Sue A. Salamido
Kristin Watson
Cloppert, Latanick, Sauter & Washburn
225 East Broad Street, 4th Floor
Columbus, OH 43215
ssalamido@cloppertlaw.com
kwatson@cloppertlaw.com

ON BEHALF OF IBEW LOCAL 1466

Robert L. Kinder, Jr.
Dickstein Shapiro LLP
1825 Eye St. NW
Washington, DC 20006
kinder@DicksteinShapiro.com

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

Jack D'Aurora
The Behal Law Group LLC
501 South High Street
Columbus, OH 43215
jdaurora@behallaw.com

ON BEHALF OF THE UNIVERSITY OF TOLEDO

Roger P. Sugarman
Kegler, Brown, Hill & Ritter
65 East State Street, Suite 1800
Columbus, OH 43215
rsugarman@keglerbrown.com

ON BEHALF OF NFIB/OHIO

William Wright
Werner Margard
Thomas Lindgren
John H. Jones
Assistant Attorneys' General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
john.jones@puc.state.oh.us
werner.margard@puc.state.oh.us
thomas.lindgren@puc.state.oh.us
william.wright@puc.state.oh.us

**ON BEHALF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO**

Greta See
Jon Tauber
Attorney Examiner
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215

ATTORNEY EXAMINERS