

March 12, 2013

Ms. Betty McCauly
Docketing Division
Public Utilities Commission of Ohio
Docketing Division, 11th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

Re: Case Nos. 10-2439-EL-BSB and 10-2440-EL-BTX

Dear Ms. McCauly:

On January 28, 2013, the City of Hamilton, Ohio ("Hamilton") and American Municipal Power, Inc. ("AMP", collectively, "Applicants") filed a letter with the Ohio Power Siting Board ("Board") that provided notice of information submitted and filed with the Board Staff related to the 138 kV transmission line and associated substation for the Meldahl Hydroelectric Power Project ("Project"). The information was provided to Staff for review in accordance with the Conditions of the Certificates of Environmental Compatibility and Public Need for the Project. None of the information referenced in the notice of information letter was publicly docketed. Some of the information was marked as confidential and/or as Critical Energy Infrastructure Information ("CEII") and provided to Staff for its review only.

On February 14, 2013, AMP was contacted by Staff and made aware that a public records request was made on February 7, 2013 that sought some of the information referenced in the January 28, 2013 notice of information letter. Specifically, the request sought the information related to Conditions 5, 6, 15, 28, 46(a), 46(b) and 46(c). The information requested that relates to Condition 46(a) included trade secrets and CEII belonging to Applicants and/or Duke Energy Ohio, Inc. ("Duke").

On February 19, 2013, Applicants and Duke (collectively, "Movants") jointly filed a motion for protective treatment of the trade secret and CEII information that was provided to Staff.

Since filing the joint motion for protective treatment, Thomas J. Ruwe ("Ruwe") has been in contact with Applicants. Ruwe is counsel for Mr. Eubanks, who is a property owner near the Project site and who has entered into an Easement Agreement with Applicants. Ruwe made the public records request. However, after further discussion, Ruwe has made clear that he does not seek any documents relating to confidential trade secrets or CEII except to the extent that any such document relates to obligations under the Easement Agreement. More specifically, Ruwe sought information pertaining to Condition 46(a) to verify that the construction plans for the roadways, the staging area, the culvert, and the tower locations comply with the Easement Agreement. Accordingly, Ruwe has narrowed his request relating to Condition 46(a) to information referenced in the January 28, 2013 letter of notification that pertains to the Easement Agreement.

With that clarification, Movants reviewed the information referenced in the notice of information letter for which protective treatment was sought to determine whether there was information responsive to the narrowed request. AMP has determined that one of AMP's confidential documents may be responsive to the narrowed request.

AMP and Ruwe have entered into a mutually acceptable arrangement regarding sharing the confidential document subject to confidentiality requirements. In consideration of receiving from the Movants the one confidential document referred to above, Ruwe withdraws his public records request as it relates to Condition 46(a).

Additionally, in the course of its review, AMP discovered confidential CEII documents related to Condition 46(c) of the January 28, 2013 letter of notification as well that are not related to the Easement Agreement. Accordingly, as the CEII documents related to Condition 46(c) do not pertain to the Easement Agreement, Ruwe withdraws his request for the documents marked CEII related to Condition 46(c) as well. The remainder of his public records request remains in effect.

Without a pending public records request with respect to Condition 46(a), and with the agreement regarding the withdraw of the request as it pertains to the CEII information in regards to Condition 46(c), the joint motion for protective treatment is unnecessary and Movants withdraw the joint motion.

Movants and Ruwe agree that the above-described course of action is satisfactory and respectfully requests that Board take any steps necessary to effectuate the resolution of this matter.

Respectfully submitted,



Lisa G. McAlister (0075043)
Deputy General Counsel
1111 Schrock Road, Suite 100
Columbus, Ohio 43229
Telephone: 614-540-6400
Fax: 614-540-6397
Email: lmcaster@amppartners.org



Thomas J. Ruwe (0020505)
211 Columbia Wooster Bldg.
5710 Wooster Road
Cincinnati, Ohio 45227
Telephone: 513-271-0808
Fax: 513-322-4453
Email: tiruwe@fuse.net

**On behalf of American Municipal
Power, Inc.**

James E. McLean JEM per email authorization
James E. McLean (0046868)

139 E. Fourth Street, M/C 1212-Main
Cincinnati, Ohio 45202
Telephone: 513-287-4341
Fax: 513-287-4386
Email: James.McLean@duke-energy.com

On behalf of Duke Energy Ohio, Inc.

April R. Bott JRB per email authorization
April R. Bott (0066463)

BOTT LAW GROUP LLP
5126 Blazer Parkway
Dublin, Ohio 43017
Telephone: 614-761-2688
Fax: 614-462-1914
Email: Abott@bottlawgroup.com

**On behalf of the City of Hamilton,
Ohio**

Cc: Elizabeth Stevens
Steven Beeler
Kim Wissman

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Summary: Correspondence Withdrawal of Joint Motion for Protective Treatment electronically filed by Barbara E Johnson on behalf of American Municipal Power, Inc.