

5

FILED
APR 17 2009

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF THE APPLICATION OF)
OKLAHOMA GAS AND ELECTRIC COMPANY)
FOR AN ORDER OF THE COMMISSION)
AUTHORIZING APPLICANT TO MODIFY ITS)
RATES, CHARGES, AND TARIFFS FOR RETAIL)
ELECTRIC SERVICE IN OKLAHOMA.)

CAUSE NO. PUD 200800398

**OBJECTIONS OF OKLAHOMA GAS AND ELECTRIC COMPANY
TO
OKLAHOMA INDUSTRIAL ENERGY CONSUMERS
EIGHTH SET OF DATA REQUESTS**

COMES NOW Oklahoma Gas and Electric Company ("OG&E" or "Applicant") and objects generally to the Data Requests set out below, propounded by the Oklahoma Industrial Energy Consumers ("OIEC") in its Eighth Set of Data Requests ("OIEC 8 - DR's") to the extent the Data Requests seek information that constitute attorney work product or which is protected by the attorney/client privilege and to the extent that the Data Requests seek the disclosure of OG&E's mental impressions, conclusions, opinions or legal theories of its attorneys concerning this proceeding. OG&E objects to the general instructions propounded by the OIEC to the extent that any instruction differs from, or is in conflict with, the requirements of the Oklahoma Corporation Commission Rules pertaining to discovery. OG&E's answers, as well as any supplements thereto, are made in conformance with such rules.

Additionally, to the extent any response to the Data Requests propounded in OIEC 8 - DR's requires the production of Confidential Information or requires OG&E to make available Highly Sensitive Confidential Information, Applicant objects to the production of such information until such time as the Commission issues a Protective Order and the appropriate individuals for the OIEC have executed a Proprietary Agreement as may be issued by the Commission.

By responding to these Data Requests, OG&E is not indicating that the provided information is relevant or material and OG&E is not waiving any objection as to relevance or materiality or confidentiality of the information or documents provided or the admissibility of such information or documents in this or in any other proceeding. Based on the foregoing, OG&E makes the following objections to the individually numbered Data Requests, based on the information known and available to OG&E at this stage in the proceedings:

OIEC 8-6: Please explain what steps OGE corporate has taken to reduce payroll costs at Enogex in 2009 in light of the economic downturn.

Objection: OG&E specifically objects to OIEC 8-6 on the grounds the information sought relating to OG&E's presentations to the financial community are highly sensitive, confidential and proprietary business data and commercial information, and because the release of such information is likely to unduly prejudice and injure OG&E and its business. None of the costs requested in this Data request are included in OG&E request and are neither relevant nor likely to lead to relevant information in this proceeding. Much of the information contained in response to these questions includes forecasts, projections, and corporate strategies for OGE Energy Corp and its affiliates. This information is considered highly sensitive confidential.

OIEC 8-7: Please provide total payroll costs at Enogex for each month of the test year and for each month of the 6-month period after test year end.

Objection: OG&E specifically objects to OIEC 8-7 on the grounds the information sought is highly sensitive, confidential and proprietary business data and commercial information, and because the release of such information is likely to unduly prejudice and injure OG&E and its business. None of the costs requested in this Data request are included in OG&E request and are neither relevant nor likely to lead to relevant information in this proceeding. This information is considered highly sensitive confidential.

OIEC 8-8: Please provide employee head counts at Enogex for each month of the test year and for each month of the 6-month period after test year end.

Objection: OG&E specifically objects to OIEC 8-8 on the grounds the information sought relating is highly sensitive, confidential and proprietary business data and commercial information, and because the release of such information is likely to unduly prejudice and injure OG&E and its business. None of the costs requested in this Data request are included in OG&E request and are neither relevant nor likely to lead to relevant information in this proceeding. Much of the information contained in response to these questions includes forecasts, projections, and corporate strategies for OG&E and its affiliates. This information is considered highly sensitive confidential.

WHEREFORE, premises considered, Applicant respectfully requests that it be granted the relief requested herein.

Respectfully submitted,

OKLAHOMA GAS AND ELECTRIC COMPANY

By  _____

Patrick D. Shore, OBA No. 8205
William J. Bullard, OBA No. 1302
Kimber L. Shoop, OBA No. 19571
Oklahoma Gas and Electric Company
P.O. Box 321
Oklahoma City, Oklahoma 73101
405-553-3182
405-553-3198 (Facsimile)

and

Curtis M. Long, OBA No. 5504
Fellers, Snider, Blankenship, Bailey & Tippens
The Kennedy Building
321 South Boston, Suite 800
Tulsa, Oklahoma 74103-3318
918-599-0621
918-583-9659 (Facsimile)

and

Christopher W. Flynn
Laura M. Earl
Jones Day
77 West Wacker
Chicago, Illinois 60601-16
312-269-4156
312-782 8585 (Facsimile)

Attorneys for Applicant

CERTIFICATE OF MAILING

This is to certify that on the 17th day of April, 2009, a true and correct copy of the above and foregoing Motion was mailed to the following:

James L. Myles, Deputy General Counsel
Lenora Burdine, Deputy General Counsel
Oklahoma Corporation Commission
P.O. Box 52000
Oklahoma City, Oklahoma 73152-2000

Rick D. Chamberlain
Behrens, Taylor, Wheeler &
Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, Oklahoma 73105

William L. Humes
Elizabeth Ryan
Whitney Weingartner
Assistant Attorneys General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105-4894


Ronald E. Stakem
Jack G. Clark, Jr.
Clark, Stakem, Wood & Patten, PC
Suite 400
101 Park Avenue
Oklahoma City, Oklahoma 73102

J. Fred Gist
Hall, Estill, Hardwick, Gable,
Golden & Nelson, P.C.
100 N. Broadway, Suite 2900
Oklahoma City, Oklahoma 73102

Kendall W. Parrish
Ron Comingdeer & Associates
6011 N. Robinson
Oklahoma City, Oklahoma 73118

Thomas P. Schroedter
James D. Satrom
Hall, Estill, Hardwick, Gable,
Golden & Nelson, P.C.
320 S. Boston, Suite 400
Tulsa, Oklahoma 74103

Shelton L. Benedict
406 S. Boulder Avenue
Suite 400
Tulsa, Oklahoma 74103



Patrick D. Shore