

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for an Increase in Gas	)	Case No. 07-589-GA-AIR
Rates.	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval of an	)	Case No. 07-590-GA-ALT
Alternative Rate Plan for its Gas	)	
Distribution Service.	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval to Change	)	Case No. 07-591-GA-AAM
Accounting Methods.	)	

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**DUKE ENERGY OHIO, INC.'S  
MOTION FOR PROTECTIVE ORDER TO PROTECT THE  
CONFIDENTIALITY OF INFORMATION CONTAINED IN  
ATTACHMENT MGS-1 TO THE DIRECT TESTIMONY OF  
MATTHEW G. SMITH**

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Duke Energy Ohio, Inc. ("DE-Ohio") hereby moves this honorable Commission for leave to file under seal certain information contained in its Attachment MGS-1 to the Direct Testimony of Matthew G. Smith. DE-Ohio sets forth in the attached Memorandum in Support its reasons why confidential treatment of this information is necessary.

## MEMORANDUM IN SUPPORT

DE-Ohio respectfully requests that the Commission ("Commission") grant its Motion for Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith

This confidential trade secret information contains proprietary pricing information from vendors for equipment for DE-Ohio's Utility of the Future program. This information is proprietary to the vendors.

Ohio Administrative Code Section 4901-1-24(D) allows DE-Ohio to seek leave of the Commission to file information DE-Ohio considers to be proprietary trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal.<sup>1</sup> This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.<sup>2</sup>

DE-Ohio is filing the confidential material under seal with each page marked as confidential, trade secret, or proprietary pursuant to O.A.C. 4901-1-24(D)(2).

The information for which DE-Ohio is seeking confidential treatment is not known outside of DE-Ohio and the vendors, and it is not disseminated within DE-Ohio except to those employees with a legitimate business need to know and act upon the information.

DE-Ohio considers the Confidential Material to be proprietary, confidential, and trade secrets, as that term is used in R. C. 1333.61. In addition, this information should be treated as confidential pursuant to R. C. 4901.16.

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<sup>1</sup> OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)

<sup>2</sup> *Id.*

WHEREFORE, DE-Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its Motion for Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith by making a determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

/s/ John J. Finnigan, Jr.

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John J. Finnigan, Jr.  
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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of Duke Energy Ohio for Confidential Treatment was served on the following parties this 20th day of February, 2008 by regular U. S. Mail, overnight delivery or electronic delivery.

/s/ John J. Finnigan, Jr.

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John J. Finnigan, Jr.

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Summary: Motion for Protective Order electronically filed by ANITA M SCHAFER on behalf of Finnigan, John J. Mr. and Sauer, Larry S. Mr. and Rinebolt, David C. Mr. and Kurtz, Michael L. Mr. and Lindgren, Thomas Mr. and Boehm, David F. Mr. and Petricoff, Howard Mr. and Howard, Stephen M. Mr. and Christensen, Mary W. Ms. and Bentine, John W. Mr. and Mooney, Colleen L. Ms. and Wright, William L. Mr. and O'Brien, Thomas J. Mr. and Dosker, John M. Mr. and Singh, Bobby Mr. and Ohio Partners for Affordable Energy and The Kroger Company and Attorney General and Ohio Energy Group and Integrys Energy Services, Inc. and Direct Energy Services LLC and City of Cincinnati and Stand Energy Corporation and People Working Cooperatively, Inc.