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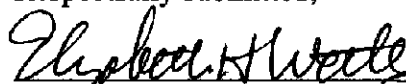
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Rules for Standard)
Service Offer, Corporate Separation, Reasonable)
Arrangements, and Transmission Riders for Electric)
Utilities Pursuant to Sections 4928.14, 4928.17, and) Case No. 08-777-EL-ORD
4905.31, Revised Code, as amended by Amended)
Substitute Senate Bill No. 221.)
)

**DUKE ENERGY OHIO, INC.'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN
THE RESPONSES TO THE RFP WHICH IS AN ATTACHMENT
TO ITS APPLICATION FOR REHEARING**

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

Respectfully submitted,



Paul A. Colbert

Associate General Counsel

Elizabeth H. Watts

Assistant General Counsel

Duke Energy Business Services, Inc.

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MEMORANDUM IN SUPPORT

DE-Ohio respectfully requests that the Commission ("Commission") grant its Motion for Protective Order to Protect the Confidentiality of its Attachment to its Application for Rehearing.

This confidential trade secret information contains proprietary responses to its Request for Proposals (RFP) for peaking and/or intermediate power supply in response to Ohio Senate Bill 221. DE-Ohio placed the RFP to evaluate opportunities available in the marketplace to meet the requirements of the recently approved Ohio Senate Bill 221 signed into law by Governor Ted Strickland on May 1, 2008. Specifically, this RFP is focused on evaluating opportunities through a competitive bid process to procure generation resources, either through a long-term contract or acquisitions, dedicated to serve Ohio consumers for the life of the contract or asset. This information is relevant to ongoing business strategy.

Information in the attached responses to the RFP contain cost of the capacity and energy, information on the product, the seller, the transmission interconnection point, delivery point, terms of the contract, capacity amount, and scheduling information. The proposals also contain a fixed or indexed price for the capacity and energy for their proposed term including the cost for all losses, congestion costs, ancillary services, transmission delivery fees, MISO or other associated fees, taxes, duties, and any other costs associated with the furnishing of the capacity and associated energy to the proposed Duke Energy delivery point.

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.¹ This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.²

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.

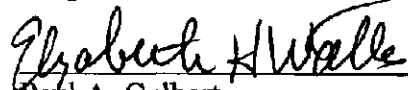
DE-Ohio considers the Confidential Material to be proprietary, confidential, and trade secret, as that term is used in R. C. 1333.61. In addition, this information should be treated as confidential pursuant to R. C. 4901.16.

¹ OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)

² *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 its Attachment to its Application for Rehearing 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,

A handwritten signature in black ink, appearing to read "Elizabeth H. Watts", is written over a horizontal line.

Paul A. Colbert

Associate General Counsel

Elizabeth H. Watts

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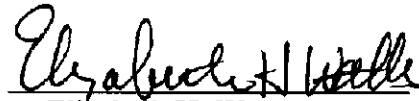
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Protective Order was served on the following parties this 17th day of October, 2008 by regular U. S. Mail, or overnight delivery.


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