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October 31, 2008

VIA MESSENGER DELIVERY

Ms. Renee Jenkins
Chief, Docketing Division
Public Utilities Commission of Ohio
180 E. Broad Street, 13th Floor
Columbus, Ohio 43215

Re: In The Matter of: The Consolidated Duke Energy Ohio, Inc.
Rate Stabilization Plan Remand and Rider Adjustment Cases
Case Nos. 03-93-EL-ATA, 03-2079-EL-AAM, 03-2080-EL-ATA,
03-2081-EL-AAM, 05-724-EL-UNC, 05-725-EL-UNC,
06-1068-EL-UNC, 06-1069-EL-UNC & 06-1085-EL-UNC

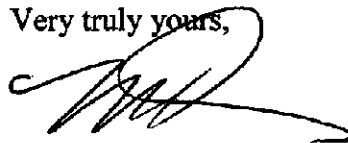
Dear Ms. Jenkins:

Enclosed please find an original and fifteen copies of an Application for Rehearing submitted on behalf of Duke Energy Ohio, Inc., Cinergy Corp. and Duke Energy Retail Sales, LLC.

Please accept the original and fifteen copies of this document for filing in the above identified matters. I would appreciate the return of a time stamped copy via the individual who delivers the same to you.

As always, please call me if you have any questions concerning this filing. Thank you.

Very truly yours,



Michael D. Dortch

Enclosures

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.
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the	:		
Consolidated Duke Energy Ohio, Inc.	:	Case Nos.	03-0093-EL-ATA
Rate Stabilization Plan Remand and	:		03-2079-EL-AAM
Rider Adjustment Cases	:		03-2080-EL-AAM
	:		03-2081-EL-ATA
	:		05-0724-EL-UNC
	:		05-0725-EL-UNC
	:		06-1068-EL-UNC
	:		06-1069-EL-UNC
	:		06-1085-EL-UNC

**THE APPLICATION FOR REHEARING
ON BEHALF OF DUKE ENERGY-OHIO, INC.,
DUKE ENERGY RETAIL SALES, LLC, AND
CINERGY CORP.**

Pursuant to Ohio Revised Code § 4903.10, Ohio Admin. Code 4901-1-35, and this Commission's Second Entry on Rehearing of October 1, 2008 (Second Entry), Duke Energy-Ohio, Inc. (DE-Ohio), Duke Energy Retail Sales, LLC (DERS), and Cinergy Corp. (Cinergy) (collectively, the Duke Entities), by and through counsel, respectfully apply for rehearing of this Commission Entry of October 1, 2008, for the reasons stated in the attached Memorandum in Support, which is incorporated by reference herein.

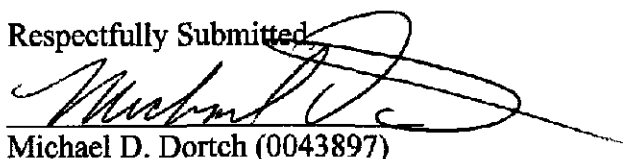
MEMORANDUM IN SUPPORT

The Duke Entities have reviewed the Commission's Second Entry and the Commission's corresponding redactions and "unredactions" of the documents that are the subject of the litigation. The Duke Entities ask for rehearing on only one aspect of the Second Entry. Specifically, the Duke Entities respectfully request that the Commission find that one additional document, Bates page 114, be subject to redaction pursuant to its holding in the Second Entry.

In its Second Entry, the Commission held that except for General Motors and Marathon/Ashland Petroleum, the Duke Entities' option contracts customers names and the pricing methodology used in those option contracts remained a trade secret because they have not been revealed to the general public.¹ Bates page 114 contains both references to two option contract customer names, neither which is General Motors or Marathon/Ashland Petroleum, and references to the proprietary pricing methodology used in those two option contracts. None of this information has been released to the general public, and, pursuant to the Second Entry, remains a trade secret.

Therefore, the Duke Entities respectfully request that Bates page 114 be redacted so as to remove all references to the option contract customer names revealed therein, along with all references to the pricing methodologies of those option contracts. A copy of Bates page 114, redacted in the manner suggested by the Duke Entities, is attached hereto as Exhibit A, for the Commission's convenience.

Respectfully Submitted,



Michael D. Dortch (0043897)

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Attorneys for

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DUKE ENERGY RETAIL SALES, LLC

¹ Second Entry on Rehearing at ¶ 11–13 (Oct. 1, 2008).

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Attorneys for DUKE ENERGY-OHIO, INC.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically upon parties, their counsel, and others through use of the following email addresses this 31st day of October, 2008.

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00114

CONFIDENTIAL PROPRIETARY
TRADE SECRET

CINERGY.
SERVICES

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April 4, 2005

Mr. David F. Boehm
Attorney for the Ohio Energy Group
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Attorneys at Law
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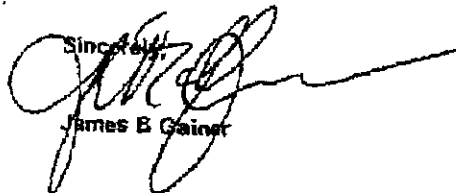
Re: Calculation of RTP Option Payments

Dear Dave:

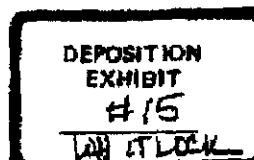
As you are aware, in the course of negotiating the CRS option agreements with OEG members ~~_____~~ and ~~_____~~, it was agreed that the terms and conditions of their existing RTP would continue through December 31, 2008. More specifically with respect to ~~_____~~ it was agreed that the ~~_____~~ defined in the RTP would remain in effect for the entire term of the agreement provided there was no substantive increase in their load during the term of the agreement. While both parties have and continue to agree to this handling of the RTP accounts, I am writing on behalf of Cinergy Retail Sales with the purpose of clarifying and gaining written confirmation of the agreement that was reached with respect to the calculation of the option payments to be made quarterly by Cinergy Retail Sales to OEG members taking RTP service.

The Ohio Energy Group, on behalf of its members, and Cinergy Retail Sales, LLC (the Parties), hereby agree that under the Option Agreement dated January 20, 2005, between Cinergy Retail Sales, LLC and ~~_____~~ (Option Agreement), the amount referred to as "Big G" will be calculated based upon the defined ~~_____~~. The parties also agree that all of the riders established in the CG&E rate stabilization plan, with the exception of Rider FPP, will be calculated based upon ~~_____~~ defined in any RTP Agreement.

Please confirm your agreement to the above by signing and returning the duplicate copy of this letter.

Sincerely,

James E. Gainer


David F. Boehm
Attorney for the Ohio Energy Group



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