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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

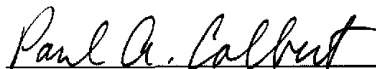
In the Matter of the Application)
of The Cincinnati Gas & Electric)
Company to Adjust and Set its System)
Reliability Tracker Market Price)

Case No. 05-724-EL-UNC

THE CINCINNATI GAS & ELECTRIC COMPANY'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN ITS APPLICATION
TO ADJUST AND SET ITS SYSTEM RELIABILITY TRACKER MARKET
PRICE

The Cincinnati Gas & Electric Company (CG&E) hereby moves this honorable Commission for leave to file under seal certain information contained in its Application to Adjust and Set its System Reliability Tracker Market Price (SRT Application). CG&E sets forth in the attached Memorandum in Support its reasons why confidential treatment of this information contained in its Application is necessary.

Respectfully submitted,

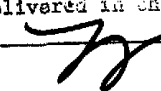


Paul A. Colbert (0058582)

Senior Counsel

THE CINCINNATI GAS & ELECTRIC
COMPANY

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**BEFORE
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In the Matter of the Application)	
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**THE CINCINNATI GAS & ELECTRIC COMPANY'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN ITS APPLICATION
TO ADJUST AND SET ITS SYSTEM RELIABILITY TRACKER MARKET
PRICE**

CG&E respectfully requests that the Public Utilities Commission of Ohio (Commission) grant its Motion for Protective Order to Protect the Confidentiality of Information Contained in its SRT Application.

CG&E is an Ohio corporation with its principal office in Cincinnati, Ohio. CG&E has the corporate power and authority, among others, to engage, and it is engaged, in the business of supplying electric distribution service to the public in the State of Ohio. Accordingly, CG&E is a public utility within the meaning of that term as used in R. C. 4905.02 and 4905.03. As such, CG&E is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Ohio. As of October 24, 1994, CG&E became a wholly-owned subsidiary of Cinergy Corp.

CG&E owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric distribution service over 660,000 customers in southwestern Ohio.

Pursuant to the Commission's Entry of February 9, 2005, in Case No. 04-1820-EL-ATA, CG&E filed today its SRT Application. In support of this filing, CG&E attached supporting documents, including Schedule B and Schedule C, both of which contain highly confidential trade secret information. Specifically, Schedule B describes CG&E's proposed Resource Plan, including the type and cost of various proposed supply-side power purchase options, and Schedule C presents CG&E's existing capacity position, forecasted demand for native load consumers, and supply requirements necessary for the provision of a 15% reserve margin in the competitive retail and wholesale electric markets. This confidential trade secret information, if publicly disclosed, would give CG&E's competitors access to competitively sensitive, confidential information, which in turn could allow the competitors to make offers to sell wholesale power at higher prices than the competitors might offer in the absence of such information and to the detriment of CG&E and its customers.

Ohio Administrative Code Section 4901-1-24(D) allows CG&E to seek leave of the Commission to file information contained in or attached to its SRT Application that CG&E 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

CG&E is filing a redacted version of the confidential material (Schedules B and C) which is an attachment to the testimony of Douglas F. Esamann in its SRT Application concurrently with this Motion. CG&E is also filing three unredacted versions of the confidential material (Schedules B and C) under seal and attached to this Motion. CG&E

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

² *Id.*

has marked as confidential, trade secret, or proprietary, each redacted page of the Confidential Material pursuant to OAC 4901-1-24(D)(2).

The Confidential Material described above, if disclosed, would enable competitors in the wholesale power market to ascertain the manner in which CG&E plans, manages and operates their generating facilities, the cost associated therewith, and would enable competitors to ascertain CG&E's positions (long and short) with respect to electric generation capabilities. Further, the competitively sensitive information will provide power marketing competitors with knowledge that will allow them to potentially manipulate the marketplace so as to unnecessarily cause consumers to pay more for electricity than they otherwise would.

For example, the proposed supply-side power purchase options contained in Schedule B would grant competitors a distinct advantage in that they would be able to anticipate CG&E's power supply needs and the types of instruments CG&E intends to utilize. Additionally, the availability and extent of CG&E's generating resources, coupled with its high-level maintenance schedule and expected native load requirements contained in Schedule C would grant competitors a distinct advantage in that they would be able to anticipate when CG&E's plants would be down or otherwise constrained and where CG&E may be long or short.

With the information contained in Schedules B and C, a competitor could take actions that, in the absence of this information, it would not otherwise take. Such actions might include adjusting its prices, either to win contracts on which CG&E may also be bidding – business the competitors otherwise would not be in a position to win, or to set

its prices artificially high to take advantage of an overall short market, the latter action obviously forcing consumers to pay higher prices for power.

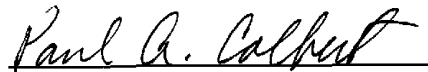
The information for which CG&E is seeking confidential treatment is not known outside of CG&E, and it is not disseminated within CG&E except to those employees with a legitimate business need to know and act upon the information.

The public interest will be served by granting this Motion. By protecting the confidentiality of the CG&E's proposed Resource Plan and its existing capacity position, forecasted demand for native load consumers, and supply requirements necessary for a 15% reserve margin, the Commission will prevent undue harm to CG&E and its ratepayers, as well as ensuring a sound competitive marketplace.

CG&E 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. The redacted versions of Schedule B and Scheduled C do not include the Confidential Material. Three unredacted versions of Schedule B and Schedule C are filed herewith, under seal, as Exhibit A.

WHEREFORE, CG&E respectfully requests that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), grant its Motion for Protective Order to Protect the Confidentiality of Information Contained in Schedule B and Schedule C, attached to and supporting CG&E's SRT Application, 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 cursive script, reading "Paul A. Colbert", is written over a horizontal line.

Paul A. Colbert (0058582)

Senior Counsel

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