



## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) and regular U.S. mail, this 2<sup>nd</sup> day of March, 2007 to the following:

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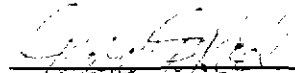
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March 2, 2007

Chairman, Alan R. Schriber  
Commissioner Ronda Hartman Fergus  
Commissioner Judy A. Jones  
Commissioner Valerie A. Lemmie  
Commissioner Donald L. Mason  
Public Utilities Commission of Ohio  
180 E. Broad Street, 10th Floor  
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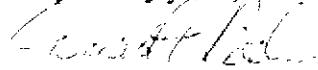
**In re: Case No. 06-986-EL-UNC, 03-93-EL-ATA, et. al.**

Dear Chairman Schriber and Commissioners Fergus, Jones, Lemmie and Mason:

The Ohio Energy Group (OEG) is an intervener in the above-referenced cases and collectively and individually parties to certain Agreements with Duke Retail Energy Sales, LLC (DERS) which Agreements were the objects of discovery by the Office of Consumer Counsel (OCC). That discovery also involved Protective Agreements between DERS and OCC requiring the Agreements be kept confidential, but provided that if the OCC desired to utilize any of the Protective Materials (i.e., the Agreements) it would give notice to DERS of its desire and that DERS could oppose such disclosure by the filing of an affidavit outlining the reason for maintaining the confidentiality of such Agreements.

While not a named party to the Protective Agreements, OEG is nonetheless a party to the Agreements desired to be disclosed by OCC and writes to protest the change of position of OCC and to support DERS in its opposition to disclosure. OEG will not make legal arguments in this letter, relying upon DERS to make those arguments in its formal filing under the terms of the Protective Agreement, OEG writes to reflect its support of non-disclosure. The Agreements that are the subject of this dispute contain information reflecting OEG members costs of electric power in the highly competitive industries in which operate. Within OEG the terms of these Agreements are kept secret even from other OEG members because the knowledge of such costs might provide advantages to others. OEG can see no need to disclose these Agreements to the public or how the Commission's refusal to allow disclosure can possibly jeopardize or impair OCC's case. We therefore urge the Commission to forbid disclosure.

Respectfully yours,



David F. Boehm  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Encl.