



Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

FILE

Janine L. Migden-Ostrander  
Consumers' Counsel

March 13, 2007

Renee Jenkins, Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV  
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Re: *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 and 06-1085-EL-UNC

Dear Ms. Jenkins,

On March 2, 2007, five parties filed motions for a protective order regarding information in these cases. Those parties are Duke Energy Ohio, Inc., Duke Energy Retail Sales, LLC, Cinergy Corp., the Ohio Hospital Association, and Kroger Co. (collectively the "Movants"). The Office of the Ohio Consumers' Counsel ("OCC") is today filing information under seal, filed information under seal on March 9, 2007, and may prospectively be filing other information under seal that is subject to the March 2<sup>nd</sup> motions for protection in these cases. As OCC states in its memorandum contra filed today and as OCC stated in the motion for a protective order that OCC filed on February 13, 2007, OCC, by filing under seal, does not concede that the information meets the standards in law and rule for protection from release to the public domain; however, OCC is filing such information under seal, pursuant to Ohio Adm. Code 4901-1-24 and the Movants' motions for protection thereunder, until such time as the Public Utilities Commission of Ohio rules otherwise on the motions for protection.

Sincerely,

Jeffrey L. Small  
Assistant Consumers' Counsel

Cc: Parties of Record

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