

FILE

9

RECEIVED-DOCKETING DIV

2007 MAR 15 PM 12:13

PUCO

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

---

**DUKE ENERGY RETAIL SALES' MOTION FOR PROTECTIVE ORDER**

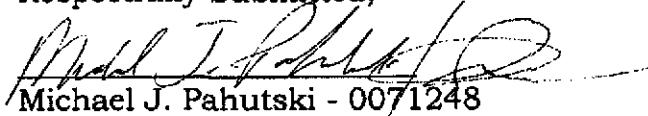
---

Now Comes Duke Energy Retail Sales LLC (DERS), and hereby respectfully moves this Commission for a Protective Order pursuant to O.A.C. 4901-1-24 regarding protected information discussed in DERS's Reply to the OCC's Memorandum Contra the Motions for Protective Order of Duke Energy Ohio, Duke Energy Retail Sales, Cinergy Corp., and Kroger (Reply). DERS's Reply discusses confidential information provided to OCC pursuant to a Protective Agreement and which is the subject of DERS's Motion for Protective Order filed on March 2, 2007.

DERS respectfully requests the Commission issue such an Order as is necessary to protect the redacted portions of the Reply which are confidential pursuant to the Protective Agreements. The Reasons for this Motion are also set forth in the accompanying Memorandum in Support.

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  
 Technician           2           Date Processed 3-15-07

Respectfully Submitted,



Michael J. Pahutski - 0071248

Assistant General Counsel

Ariane S. Johnson - 0077236

Associate General Counsel

Duke Energy Retail Sales LLC

139 E. Fourth Street, 25 AT II

P.O. Box 960

Cincinnati, Ohio 45202

Phone: (513) 287-2094

Phone: (317) 838-1235

Facsimile: (513) 287-3612

E-mail: [ariane.johnson@duke-energy.com](mailto:ariane.johnson@duke-energy.com)

[michael.pahutski@duke-](mailto:michael.pahutski@duke-)

[energy.com](http://energy.com)

MEMORANDUM IN SUPPORT

Contemporaneously with the filing of this Motion, DERS is filing its Reply to OCC's Memorandum Contra. The Reply discusses confidential Trade Secret information possessed by DERS and supplied to OCC pursuant to a Protective Agreement. In addition, the Reply discusses confidential information discovered during the recent deposition of OCC's own witness Beth Hixon, which occurred under seal.

Accordingly, DERS respectfully requests that its Reply be given protected confidential treatment in a manner consistent with the other filings made in this proceeding and in accordance with the Protective agreements between DERS and OCC.

Respectfully Submitted,



Michael J. Pahutski - 0071248

Assistant General Counsel

Ariane S. Johnson - 0077236

Associate General Counsel

Duke Energy Retail Sales LLC

139 E. Fourth Street, 25 AT II

P.O. Box 960

Cincinnati, Ohio 45202

Phone: (513) 287-2094

Phone: (317) 838-1235

Facsimile: (513) 287-3612

E-mail: [ariane.johnson@duke-energy.com](mailto:ariane.johnson@duke-energy.com)

[michael.pahutski@duke-](mailto:michael.pahutski@duke-)

[duke-energy.com](http://duke-energy.com)

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served electronically on the following parties this 15th day of March 2007.



Michael J. Pahutski

EAGLE ENERGY, LLC  
DONALD I. MARSHALL, PRESIDENT  
4465 BRIDGETOWN ROAD SUITE 1  
CINCINNATI OH 45211-4439  
Phone: (513) 251-7283

SKIDMORE SALES & DISTRIBUTING  
COMPANY, INC.  
ROGER LOSEKAMP  
9889 CINCINNATI-DAYTON RD.  
WEST CHESTER OH 45069-3826  
Phone: 513-755-4200  
Fax: 513-759-4270

**Intervener**

AK STEEL CORPORATION  
LEE PUDVAN  
1801 CRAWFORD ST.  
  
MIDDLETOWN OH 45043-0001

BOEHM, DAVID ESQ.  
BOEHM, KURTZ & LOWRY  
36 EAST SEVENTH  
STREET SUITE 1510  
CINCINNATI OH 45202-4454

CITY OF CINCINNATI  
JULIA LARITA MCNEIL, ESQ  
805 CENTRAL AVE STE 150  
CINCINNATI OH 45202-5756

COGNIS CORPORATION  
35 E. 7TH STREET SUITE 600  
CINCINNATI OH 45202-2446

Phone: (513) 345-8291

Fax: (513) 345-8294

CONSTELLATION NEWENERGY, INC.

TERRY S. HARVILL

1000 TOWN CENTER SUITE 2350

SOUTHFIELD MI 48075

Phone: (248) 936-9004

CONSTELLATION POWER SOURCE,  
INC.

MICHAEL D SMITH

111 MARKETPLACE, SUITE 500

BALTIMORE MA 21202

Phone: 410-468-3695

Fax: 410-468-3541

PETRICOFF, M.

VORYS, SATER, SEYMOUR &  
PEASE

52 EAST GAY STREET P.O. BOX  
1008

COLUMBUS OH 43216-1008

Phone: (614) 464-5414

Fax: (614) 719-4904

CONSUMERS' COUNSEL, OFFICE OF

10 WEST BROAD STREET SUITE 1800

COLUMBUS OH 43215

HOTZ, ANN

ATTORNEY AT LAW

OFFICE OF CONSUMERS'  
COUNSEL 10 W. BROAD  
STREET, SUITE 1800

COLUMBUS OH 43215

DOMINION RETAIL, INC.

GARY A. JEFFRIES, SENIOR  
COUNSEL

1201 PITT STREET

PITTSBURGH PA 15221

Phone: (412) 473-4129

ROYER, BARTH

BELL, ROYER & SANDERS CO.,  
L.P.A.

33 SOUTH GRANT AVENUE

COLUMBUS OH 43215-3900

FIRSTENERGY SOLUTIONS CORP.

IRENE PREZELJ, MANAGER,  
MARKETING

395 GHANT ROAD GHE-408

KORKOSZ, ARTHUR

FIRST ENERGY, SENIOR  
ATTORNEY

76 SOUTH MAIN STREET LEGAL

AKRON OH 44333  
Phone: (330) 315-6851

DEPT., 18TH FLOOR  
AKRON OH 44308-1890

GREEN MOUNTAIN ENERGY  
COMPANY  
JOHN BUI  
600 W. 6TH STREET SUITE 900  
AUSTIN TX 78701  
Phone: (512) 691-6339  
Fax: (512) 691-5363

STINSON, DANE ESQ.  
BAILEY CAVALIERI LLC  
10 W. BROAD ST. SUITE 2100  
COLUMBUS OH 43215  
Phone: (614) 221-3155  
Fax: (614) 221-0479

INDUSTRIAL ENERGY USERS-OHIO  
SAMUEL C. RANDAZZO, GENERAL  
COUNSEL  
MCNEES WALLACE & NURICK LLC 21  
EAST STATE STREET 17TH FLOOR  
COLUMBUS OH 43215  
Phone: (614) 469-8000

NONE

KROGER COMPANY, THE  
MR. DENIS GEORGE 1014 VINE  
STREET-GO7  
CINCINNATI OH 45202-1100

KURTZ, MICHAEL  
BOEHM, KURTZ & LOWRY  
36 EAST SEVENTH  
STREET SUITE 1510  
CINCINNATI OH 45202  
Phone: (513) 421-2255  
Fax: (513) 421-2764

LEGAL AID SOCIETY OF CINCINNATI  
215 E. 9TH STREET SUITE 200  
CINCINNATI OH 45202-2146

MORGAN, NOEL  
LEGAL AID SOCIETY OF  
CINCINNATI  
215 E. NINTH STREET SUITE  
200  
CINCINNATI OH 45202

MIDAMERICAN ENERGY COMPANY  
BARBARA HAWBAKER, BALANCING &  
SETTLEMENT ANALYST  
4299 NW URBANDALE DRIVE

PETRICOFF, M.  
VORYS, SATER, SEYMOUR &  
PEASE  
52 EAST GAY STREET P.O. BOX

URBANDALE IA 50322  
Phone: (515) 242-4230

NATIONAL ENERGY MARKETERS  
ASSOCIATION  
CRAIG G. GOODMAN, ESQ.

3333 K STREET N.W. SUITE 110  
WASHINGTON DC 20007  
Phone: (202) 333-3288  
Fax: (202) 333-3266

OHIO ENERGY GROUP, INC.

OHIO HOSPITAL ASSOCIATION  
RICHARD L. SITES  
155 E. BROAD STREET 15TH FLOOR  
COLUMBUS OH 43215-3620  
Phone: (614) 221-7614  
Fax: (614) 221-7614

OHIO MANUFACTURERS ASSN

33 N. HIGH ST  
COLUMBUS OH 43215

1008  
COLUMBUS OH 43216-1008  
Phone: (614) 464-5414  
Fax: (614) 719-4904

GOODMAN, CRAIG  
NATIONAL ENERGY  
MARKETERS ASSOC.  
3333 K STREET, N.W. SUITE  
110  
WASHINGTON DC 20007

KURTZ, MICHAEL  
BOEHM, KURTZ & LOWRY  
36 EAST SEVENTH  
STREET SUITE 1510  
CINCINNATI OH 45202  
Phone: (513) 421-2255  
Fax: (513) 421-2764

\*SITES, RICHARD ATTORNEY  
AT LAW  
OHIO HOSPITAL ASSOCIATION  
155 EAST BROAD STREET 15TH  
FLOOR  
COLUMBUS OH 43215-3620  
Phone: 614-221-7614  
Fax: 614-221-4771

PETRICOFF, M.  
OHIO MARKETER GROUP  
VORYS, SATER, SEYMOUR & PEASE  
52 EAST GAY STREET P.O. BOX 1008  
COLUMBUS OH 43216-1008  
Phone: (614) 464-5414  
Fax: (614) 719-4904

OHIO PARTNERS FOR AFFORDABLE  
ENERGY  
COLEEN MOONEY  
DAVID RINEBOLT  
337 SOUTH MAIN STREET 4TH  
FLOOR, SUITE 5, P.O. BOX 1793  
FINDLAY OH 45839-1793  
Phone: 419-425-8860  
Fax: 419-425-8862

PEOPLE WORKING COOPERATIVELY,  
INC.  
CHRISTENSEN, MARY ATTORNEY AT  
LAW  
CHRISTENSEN & CHRISTENSEN  
401 N. FRONT STREET SUITE 350  
COLUMBUS OH 43215  
Phone: (614) 221-1832  
Fax: (614) 221-2599

LEYDEN, SHAWN ATTORNEY AT LAW  
PSEG ENERGY RESOURCES & TRADE  
LLC  
80 PARK PLAZA, 19TH FLOOR  
NEWARK NJ 07102  
Phone: 973-430-7698

STRATEGIC ENERGY, L.L.C.  
CARL W. BOYD  
  
TWO GATEWAY CENTER

PETRICOFF, M.  
VORYS, SATER, SEYMOUR &  
PEASE  
52 EAST GAY STREET P.O. BOX



PITTSBURGH PA 15222  
Phone: (412) 644-3120

1008  
COLUMBUS OH 43216-1008  
Phone: (614) 464-5414  
Fax: (614) 719-4904

WPS ENERGY SERVICES, INC.

HOWARD, STEPHEN ATTORNEY  
AT LAW

DANIEL VERBANAC  
1716 LAWRENCE DRIVE

VORYS, SATER, SEYMOUR AND  
PEASE

DE PERE WI 54115  
Phone: (920) 617-6100

52 EAST GAY STREET P.O. BOX  
1008

COLUMBUS OH 43216-1008  
Phone: (614) 464-5401

GRAND ANTIQUE MALL

9701 READING RD.  
CINCINNATI OH 45215

MIDWEST UTILITY CONSULTANTS,  
INC.

PATRICK MAUE  
5005 MALLET HILL DRIVE  
CINCINNATI OH 45244  
Phone: 513-831-2800  
Fax: 513-831-0505

RICHARDS INDUSTRIES VALVE  
GROUP

LEE WOODURFF  
3170 WASSON ROAD  
CINCINNATI OH 45209  
Phone: 513-533-5600  
Fax: 513-871-0105