

Should Be Continued to Be Treated as Trade Secret and Kept Confidential Pursuant to Protective Order (“Notice”).

At the commencement of the hearings in the above captioned proceedings, the attorney examiners allowed portions of the testimony and exhibits to be placed under seal. By Entry dated November 11, 2007, the attorney examiner requested that DE-Ohio review and, by November 13, 2007 file a notice in the dockets of these cases as to which portions of the record DE-Ohio believes still requires confidential treatment as trade secret information. Accordingly, DE-Ohio has conducted such a review of the record as requested and has determined that the following portions of the April 10, 2007 transcript should remain confidential as trade secret information pursuant to a Protective Order:

- Page 77, line 6 through and including line 22
- Page 79, line 7 through and including line 24
- Page 80, line 1 through and including line 10
- Page 81, line 7 through and including line 9
- Page 86, line 10 through and including line 12, and line 18 through and including line 24.
- Page 87, line 1 through and including line 24
- Page 88, line 1 through and including line 24
- Page 89, line 1 through and including line 24
- Page 90, line 1 through and including line 24
- Page 92, line 4 through and including line 20
- Page 152, line 22 through and including line 24
- Page 153, line 1 through and including line 24

- Page 154, line 1 through and including line 18¹

The remainder of the April 10, 2007 hearing transcript does not contain trade secret information that requires confidential treatment, and should be public.

In addition, the Commission should continue to protect the following Exhibits as confidential trade secret information:

- DE-Ohio Remand Rider Exhibit 1- Confidential Unredacted Direct Testimony of Charles Whitlock and accompanying Attachment CWR-1 filed on September 1, 2006.
- DE-Ohio Remand Rider Exhibit 2- Confidential Unredacted Supplemental Direct Testimony of Charles Whitlock and accompanying Attachments filed on November 16, 2006
- DE-Ohio Remand Rider Exhibit 3- Confidential Unredacted Direct Testimony of Don Wathen and accompanying schedules originally filed 9/1/06.
- Commission Ordered Remand Rider Exhibit No. 1- Confidential Report of the Financial and Management/ Performance Audit of the Fuel and Purchased Power Rider of Duke Energy Ohio filed October 12, 2006.
- Joint Remand Rider Exhibit 1- Confidential Unredacted Stipulation

The above listed Exhibits are already on file under seal pursuant to a Protective Order that adequately protects DE-Ohio's trade secret information. These Exhibits are also available in the public docket in a redacted form. The Commission should continue to keep these Exhibits protected pursuant to a Protective Order with their current redactions.

¹ The Confidentiality of Pages 152, 153, and 154 were addressed at the commencement of the hearing on April 19, 2007. At that time, DE-Ohio stipulated that although pages 152-154 of Mr. Whitlock's testimony on cross-examination were confidential, the remainder of Mr. Whitlock's cross-examination was not confidential and could be made public. At that time, DE-Ohio also stipulated that the Supplemental Testimony of OCC witness Michael P. Haugh, filed under seal and in a redacted form on April 17, 2007, could be made public. *See In re DE-Ohio's Application to Review and Adjust its Fuel and Purchased Power Tracker...*, Case No. 07-723-EL-UNC et al., (Remand Rider TR Vol. II at 45-47)(April 19, 2007).

Wherefore, DE-Ohio respectfully requests that the Commission continue to treat the information as set forth above as trade secret and kept it confidential pursuant to a Protective Order.

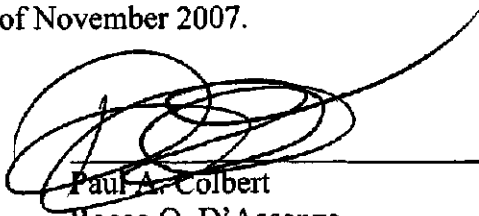
Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Duke Energy Ohio was electronically served on the following parties this 13th day of November 2007.



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