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FILE ORIGINAL

BEFORE

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THE PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

In the Matter of the	:		
Consolidated Duke Energy Ohio, Inc.	:	Case Nos.	03-93-EL-ATA
Rate Stabilization Plan Remand and	:		03-2079-EL-AAM
Rider Adjustment Cases	:		03-2081-EL-AAM
	:		03-2080-EL-ATA

DUKE ENERGY OHIO'S MOTION FOR PROTECTIVE ORDER

Now Comes Duke Energy Ohio, Inc., (DE-Ohio) and hereby respectfully moves this Commission for a Protective Order pursuant to O.A.C. 4901-1-24 regarding protected information discussed in DE-Ohio's Memorandum Contra the Application for Rehearing by the Office of the Ohio Consumers' Counsel (OCC) and Application for Rehearing by the Ohio Partners for Affordable Energy (OPAE), (DE-Ohio's Memorandum Contra). DE-Ohio's Memorandum Contra refers to and discusses confidential portions of the hearing record in the above styled proceeding, which to date, has been afforded confidential treatment. DE-Ohio is filing its Memorandum Contra in a redacted form consistent with O.A.C. 4901-1-24, contemporaneously with this Motion.

DE-Ohio respectfully requests the Commission issue such an Order as is necessary to protect the redacted portions of DE-Ohio's Memorandum Contra that are confidential. The Reasons for this Motion are more fully set forth in the accompanying Memorandum in Support.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "P.A. Colbert", is written over a horizontal line.

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Rocco D'Ascenzo, Counsel
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MEMORANDUM IN SUPPORT

Contemporaneously with the filing of this Motion, DE-Ohio is filing its Memorandum Contra OCC's Application for Rehearing and OPAE's Application for Rehearing (DE-Ohio's Memorandum Contra). DE-Ohio's Memorandum Contra discusses confidential trade secret information provided through discovery in these proceedings pursuant to Protective Agreements, as well as, sealed portions of the hearing record in these proceedings. To date, this information, which includes, among other things, confidential, commercial contracts, has been afforded protection from public disclosure. In its Application for Rehearing, also filed in a redacted form, OCC discusses the confidential information directly. Accordingly, in response to OCC's Application for Rehearing, DE-Ohio must also discuss this information, which includes the direct testimony and cross-examination of OCC's witness Beth Hixon, which occurred under seal. To date, the Commission has afforded this information confidential protection throughout these proceedings.

Ohio Administrative Code Section 4901-1-24(D) allows DE-Ohio to seek leave of the Commission to file information considered to be proprietary trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal, providing:¹

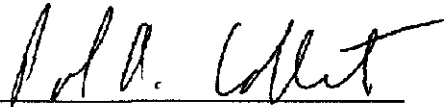
Upon motion of any party or person with regard to the filing of a document with the commission's docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or an attorney examiner may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law, and where nondisclosure of the information

¹ OHIO ADMIN. CODE § 4901-1-24 (Anderson 2007)

is not inconsistent with the purposes of Title 49 of the Revised Code.²

DE-Ohio is merely requesting that its Memorandum Contra be treated in a manner consistent with the other confidential filings made in these proceedings as well as in accordance with the Protective Agreements between and among DE-Ohio, OCC, and other Parties to these cases. Accordingly, DE-Ohio respectfully requests that the confidential portions of DE-Ohio's Memorandum Contra be protected, and remain under seal as containing confidential trade secret information.

Respectfully Submitted,




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² *Id.*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically on the following parties
this 3rd day of December 2007.



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