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FILE

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

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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 has filing its Memorandum Contra in a redacted form consistent with O.A.C. 4901-1-24, contemporaneously with this Motion.

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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.

Respectfully Submitted,

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

Paul A. Colbert, Trial Attorney
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MEMORANDUM IN SUPPORT

On January 31, 2007, DE-Ohio filed 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 information the Attorney Examiner has deemed to be confidential in these consolidated 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 and OPAE discuss the confidential information directly. Accordingly, in response to OCC's and OPAE's Application for Rehearing, DE-Ohio must also discuss this information. 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.¹

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

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,

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

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically on the following parties
this 2nd day of January 2008.



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