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January 15, 2008

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

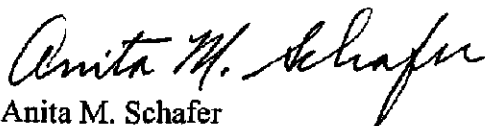
Re: Case No. 05-503-EL-FOR

Dear Docketing Division:

Enclosed please find an original and nine copies of the Motion for Second Continuation of the Protective Order in the above captioned case. Please date stamp and return the two extra copies in the enclosed envelope for our files.

Should you have any questions, please contact me at (513) 419-1847.

Very truly yours,



Anita M. Schafer
Senior Paralegal

Enclosures

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.
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BEFORE


THE PUBLIC UTILITY COMMISSION OF OHIO

In The Matter Of The 2005 Long-Term)
Electric Forecast Report Of Cinergy) Case No.05-503-EL-FOR
Corporation and Related Matters.)

**DUKE ENERGY OHIO'S
MOTION FOR SECOND CONTINUATION OF THE PROTECTIVE ORDER
FOR PROPRIETARY AND CONFIDENTIAL INFORMATION
CONTAINED IN THE
2005 ELECTRIC LONG-TERM FORECAST REPORT**

Duke Energy Ohio¹, (DE-Ohio) filed its 2005 Electric Long-Term Forecast Report (ELTFR) with the Public Utilities Commission of Ohio on April 15, 2005. The filing is comprised of a forms only filing as specified in Ohio Rev. Code 4935.04 and Ohio Adm. Code 4901:5-3-01. Certain proprietary, confidential, and "Critical Energy Infrastructure Information" (CEII) is contained in this ELTFR. By this motion, DE-Ohio seeks a continuation of the Order issued on August 24, 2006 determining that this information is proprietary and should be treated as confidential. DE-Ohio requests that the Commission continue the Order issued on August 24, 2006 to indicate that this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access. Finally, DE-Ohio requests that the Commission issue an Order governing the access to the data by any other person; specifically, access to the data should be limited to parties agreeing to comply with the Order and prohibiting any person who has access to the data from revealing it to any other person, except as provided in the Order.

Respectfully submitted,


Paul A. Colbert
139 E. Fourth Street, 25A111
P.O. Box 960
Cincinnati, Ohio 45202
(513)419-1846

¹ Cinergy Corp./The Cincinnati Gas & Electric Company merged with Duke on April 3, 2006. CG&E is now known as DE-Ohio.

MEMORANDUM IN SUPPORT

Certain information contained in this Electric Long Term Forecast (ELTFR) is now considered, since September 11, 2001, to be Critical Energy Infrastructure Information. The release of this information would possibly place the transmission system in an unsafe and unreliable situation. If the CEII is openly disclosed, it could present security issues and could be used by terrorist organizations or others to disrupt DE-Ohio's ability to provide reliable electric service. This information includes maps of DE-Ohio's electrical system and substations and thermal capacities of transmission circuits. This CEII information could, if made public, be used by terrorist organizations or others to disrupt DE-Ohio's ability to provide electric service to the customers of their service territories. Those wishing to disrupt the delivery of electricity could use CEII to determine the manner in which to most effectively and permanently disable DE-Ohio's transmission facilities, thus rendering large parts of DE-Ohio's service territory without electric service. FERC has similarly expressed concern over the release of CEII.²

APPLICABLE LAW AND REGULATION

The Commission and its staff are already prohibited from revealing any information regarded by the utility as confidential. Ohio Revised Code 4901.16 provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be

² See *Critical energy Infrastructure Information*, 102 FERC ¶ 61,190 (February 21, 2003)

disqualified from acting as agent, or agent in any other capacity under the appointment or employment of the commission.

DE-Ohio respectfully suggests that the data contained in the Envelope filed under seal and previously filed remain confidential and must be protected under Revised Code Section 4901.16.

The Commission's Rules of Practice also provide that the Commission, the legal director, the deputy legal director, or the 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, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of title 49 of the revised code.

Ohio Admin. Code § 4901-1-24(D). It is pursuant to this regulation that DE-Ohio is making its motion.

WHEREFORE, for the reasons stated herein, DE-Ohio requests that the Commission:

Grant confidential treatment to the Critical Energy Infrastructure Information described and previously submitted under seal.

Dated at Cincinnati, Ohio, this *15* day of January, 2008.

Duke Energy Ohio



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