

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of The)
Cincinnati Gas & Electric Company to)
Modify its Non-Residential Generation)
Rates to Provide for Market-Based)
Standard Service Offer Pricing and to)
Establish a Pilot Alternative)
Competitively-Bid Service Rate Option)
Subsequent to Market Development)
Period.)

Case No. 03-93-EL-ATA

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Certain Costs Associated)
With The Midwest Independent)
Transmission System Operator.)

Case No. 03-2079-EL-AAM

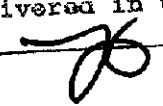
In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Capital Investment in its)
Electric Transmission And Distribution)
System And to Establish a Capital)
Investment Reliability Rider to be)
Effective After the Market Development)
Period.)

Case No. 03-2081-EL-AAM

Case No. 03-2080-EL-ATA

**DUKE ENERGY - OHIO, INC.'S CINERGY CORP.'S,
AND DUKE ENERGY RETAIL SALES, LLC'S
MOTION FOR THE ENTRY OF A PROTECTIVE ORDER**

Duke Energy-Ohio, Inc., Cinergy Corp., and Duke Energy Retail Sales, by and through their attorneys, respectfully moves this Honorable Commission pursuant to OAC section 4901-1-24 for the entry of an Order protecting from disclosure materials which they are submitting under seal in response to the Ohio Consumers' Counsel January 23, 2008 *Motion For Protective Order Pending Commission Granting OCC's Motion for*

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Approval of Redactions and Motion for Approval of Such Redactions, filed in compliance with Commission's October 24, 2007 Order and December 27, 2007. The basis for this motion is set forth in the accompanying memorandum in support, which is incorporated by reference herein.

MEMORANDUM IN SUPPORT

On January 23, 2008, the Office of Ohio Consumers' Counsel filed a document it entitled *Motion For Protective Order Pending Commission Granting OCC's Motion for Approval of Redactions and Motion for Approval of Such Redactions, filed in compliance with Commission's October 24, 2007 Order and December 27, 2007 Entry* ("OCC's Motion"). In OCC's Motion, the OCC complains that Duke Energy-Ohio, Inc., Cinergy Corp., and Duke Energy Retail Sales (collectively, the "Duke Entities"), in conjunction with others, have not appropriately complied with this Commission's Order of October 24, 2007 and its entry of December 27, 2007. In response, OCC unilaterally purports to undertake the responsibility to "appropriately" comply with this Commission's Order and its Entry on behalf of others.

The Duke Entities wish to demonstrate that the redactions they submitted to this Commission are reasonable, appropriate, and conform to this Commission's Orders, whereas the redactions made by OCC are insufficient to protect confidential trade secrets belonging to the Duke Entities and to parties other than OCC which appeared before this Commission in this proceeding. Moreover, the Duke Entities wish to demonstrate that the difference in redactions provided by OCC and the Duke Entities are few indeed in the context of the materials that must be reviewed, redacted, and submitted and have no material adverse impact on the intelligibility of the information released to the public.

The most appropriate means of demonstrating these facts to the Commission is to simply provide the Commission with copies of the competing redacted materials, and with copies of those same materials which highlight the differences in the redactions. To do so, however, the Duke Entities must submit yet another copy of these documents under seal to this Commission. The Duke Entities therefore respectfully ask that this Commission accept these documents, labeled exhibits 1-12, under seal and, that it preserve the confidentiality of the information contained in those documents from public disclosure in a manner consistent with any ultimate ruling issued by this Commission upon this issue raised by OCC's Motions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MD', with a large, sweeping loop extending from the end of the signature.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically upon parties, their counsel, and others through use of the following email addresses this 13th day of February 2008.

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