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139 East Fourth Street, R. 25 At II  
P.O. Box 960  
Cincinnati, Ohio 45201-0960  
Tel: 513-419-1847  
Fax: 513-419-1846  
[anita.schafer@duke-energy.com](mailto:anita.schafer@duke-energy.com)

Anita M. Schafer  
Sr. Paralegal

VIA OVERNIGHT MAIL DELIVERY

February 20, 2008

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

PUCO

2008 FEB 21 AM 10:33

RECEIVED-DOCKETING DIV.

Re: Case No. 07-589-GA-AIR


Dear Docketing Division:

Enclosed please find the Motion For Protective Order to Protect the Confidentiality of Information Contained in Attachment MGS-1 to the Direct Testimony of Matthem G. Smith that was electronically filed on February 20<sup>th</sup>. Also enclosed are the Confidential documents.

Please note that the Confidential documents have some double sided pages.

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

Very truly yours,

  
Anita M. Schafer  
Senior Paralegal

AMS:vgk  
Enclosures

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Technician Ann Date Processed 2/21/08

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for an Increase in Gas	)	Case No. 07-589-GA-AIR
Rates.	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval of an	)	Case No. 07-590-GA-ALT
Alternative Rate Plan for its Gas	)	
Distribution Service.	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. for Approval to Change	)	Case No. 07-591-GA-AAM
Accounting Methods.	)	

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**DUKE ENERGY OHIO, INC.'S  
MOTION FOR PROTECTIVE ORDER TO PROTECT THE  
CONFIDENTIALITY OF INFORMATION CONTAINED IN  
ATTACHMENT MGS-1 TO THE DIRECT TESTIMONY OF  
MATTHEW G. SMITH**

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Duke Energy Ohio, Inc. ("DE-Ohio") hereby moves this honorable Commission for leave to file under seal certain information contained in its Attachment MGS-1 to the Direct Testimony of Matthew G. Smith. DE-Ohio sets forth in the attached Memorandum in Support its reasons why confidential treatment of this information is necessary.

## MEMORANDUM IN SUPPORT

DE-Ohio respectfully requests that the Commission ("Commission") grant its Motion for Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith

This confidential trade secret information contains proprietary pricing information from vendors for equipment for DE-Ohio's Utility of the Future program. This information is proprietary to the vendors.

Ohio Administrative Code Section 4901-1-24(D) allows DE-Ohio to seek leave of the Commission to file information DE-Ohio considers to be proprietary trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal.<sup>1</sup> This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.<sup>2</sup>

DE-Ohio is filing the confidential material under seal with each page marked as confidential, trade secret, or proprietary pursuant to O.A.C. 4901-1-24(D)(2).

The information for which DE-Ohio is seeking confidential treatment is not known outside of DE-Ohio and the vendors, and it is not disseminated within DE-Ohio except to those employees with a legitimate business need to know and act upon the information.

DE-Ohio considers the Confidential Material to be proprietary, confidential, and trade secrets, as that term is used in R. C. 1333.61. In addition, this information should be treated as confidential pursuant to R. C. 4901.16.

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<sup>1</sup> OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)

<sup>2</sup> *Id.*

WHEREFORE, DE-Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its Motion for Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith by making a determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

/s/ John J. Finnigan, Jr.

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John J. Finnigan, Jr.  
Associate General Counsel  
Duke Energy Shared Services, Inc.  
139 Fourth Street, 25Atrium II  
P. O. Box 960  
Cincinnati, Ohio 45202-0960  
(513) 419-1843

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of Duke Energy Ohio for Confidential Treatment was served on the following parties this 20th day of February, 2008 by regular U. S. Mail, overnight delivery or electronic delivery.

/s/ John J. Finnigan, Jr.

\_\_\_\_\_  
John J. Finnigan, Jr.

Larry S. Sauer, Esq. Ohio Consumers' Counsel 10 West Broad Street, Suite 1800 Columbus, OH 43215-3420	John W. Bentine, Esq. Counsel for Interstate Gas Supply, Inc. Chester, Wilcox & Saxbe, LLP 65 East State Street, Suite 1000 Columbus, Ohio 43215-4213
David C. Rinebolt, Esq. Counsel for Ohio Partners for Affordable Energy 231 West Lima Street Findlay, OH 45840-3033	Colleen L. Mooney, Esq. Counsel for Ohio Partners for Affordable Energy 1431 Mulford Road Columbus, OH 43212-3404
Michael L. Kurtz, Esq. Counsel for The Kroger Co. Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202	William L. Wright, Esq. Assistant Attorney General Public Utilities Commission of Ohio 180 East Broad Street, 9th Floor Columbus, Ohio 43215
Thomas Lindgren, Esq. Assistant Attorney General Public Utilities Commission of Ohio 180 East Broad Street, 9th Floor Columbus, Ohio 43215	Thomas J. O'Brien Counsel for City of Cincinnati Bricker & Eckler LLP 100 South Third Street Columbus, Ohio 43215-4236
David F. Boehm, Esq. Counsel for Ohio Energy Group Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202	John M. Dosker, Esq. Stand Energy Corporation 1077 Celestial Street, Suite 110 Cincinnati, Ohio 45202-1629
M. Howard Petricoff, Esq. Steven M. Howard, Esq. Counsel for Itegrys Energy Services, Inc. and Direct Energy Services LLC Vorys, Sater, Seymour and Pease LLP 52 East Gay Street P.O. Box 1008 Columbus, Ohio 43216-1008	Bobby Singh, Esq. Senior Attorney Integrus Energy Services, Inc. 300 West Wilson Bridge Road, Suite 350 Worthington, Ohio 43085
Mary W. Christensen, Esq. Counsel for People Working Cooperatively, Inc. Christensen Christensen Donchatz Kettlewell & Owens, LLC 100 East Campus View Blvd., Suite 360 Columbus, Ohio 43235	

## Step 7

### E-Filing Confirmation

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Date & Time: 2/20/2008 4:02:30 PM

Case Number(s): 07-0589-GA-AIR

Summary: Motion for Protective Order electronically filed by ANITA M SCHAFER on behalf of Finnigan, John J. Mr. and Sauer, Larry S. Mr. and Rinebolt, David C. Mr. and Kurtz, Michael L. Mr. and Lindgren, Thomas Mr. and Boehm, David F. Mr. and Petricoff, Howard Mr. and Howard, Stephen M. Mr. and Christensen, Mary W. Ms. and Bentine, John W. Mr. and Mooney, Colleen L. Ms. and Wright, William L. Mr. and O'Brien, Thomas J. Mr. and Dosker, John M. Mr. and Singh, Bobby Mr. and Ohio Partners for Affordable Energy and The Kroger Company and Attorney General and Ohio Energy Group and Integrys Energy Services, Inc. and Direct Energy Services LLC and City of Cincinnati and Stand Energy Corporation and People Working Cooperatively, Inc.

Confirmation Number: 865c2446-5ca4-4bd1-afd5-87ccf6b9e168

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Filings received after 5:30 p.m. Eastern Time will be deemed to be filed the following business day. All filings are subject to review and acceptance by the PUCO Docketing Division. Please call (614) 466-4095 if you have questions or need assistance. Do not reply to this message. Send any correspondence to [docketing@puc.state.oh.us](mailto:docketing@puc.state.oh.us).

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