

FILE

27

# KRAVITZ, BROWN & DORTCH, LLC

Attorneys at Law

65 East State Street - Suite 200  
Columbus, Ohio 43215-4277  
614.464.2000  
fax 614.464.2002

Max Kravitz (1946-2007)

Of Counsel:  
William H. Bluth\*

\*Also Admitted in NY

Janet Kravitz  
Paula Brown  
Michael D. Dortch  
Christa D. Deegan  
Lori A. Catalano  
Kristopher A. Haines  
Richard R. Parsons

mdortch@kravitzllc.com

July 7, 2008

**VIA MESSENGER DELIVERY**

Ms. Rence Jenkins  
Chief, Docketing Division  
Public Utilities Commission of Ohio  
180 E. Broad Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV  
2008 JUL -7 PM 3:49  
PUCO

Re: In The Matter of: The Consolidated Duke Energy Ohio, Inc.  
Rate Stabilization Plan Remand and Rider Adjustment Cases  
Case Nos. 03-93-EL-ATA, 03-2079-EL-AAM, 03-2080-EL-ATA,  
03-2081-EL-AAM, 05-724-EL-UNC, 05-725-EL-UNC,  
06-1068-EL-UNC, 06-1069-EL-UNC & 06-1085-EL-UNC

Dear Ms. Jenkins:

Enclosed please find an original and fifteen copies of Duke Energy Retail Sales, LLC's Application for Rehearing of the Public Utilities Commission of Ohio's Entries of May 28, 2008 and June 4, 20008.

Please accept the original and fourteen copies of this document for filing in the above identified matters. I would appreciate the return of a time stamped copy via the individual who delivers the same to you.

As always, please call me if you have any questions concerning this filing. Thank you.

Very truly yours,



Michael D. Dortch

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 technician \_\_\_\_\_ Date Processed 7/7/08

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the	:		
Consolidated Duke Energy Ohio, Inc.	:	Case Nos.	03-0093-EL-ATA
Rate Stabilization Plan Remand and	:		03-2079-EL-AAM
Rider Adjustment Cases	:		03-2080-EL-AAM
	:		03-2081-EL-ATA
	:		05-0724-EL-UNC
	:		05-0725-EL-UNC
	:		06-1068-EL-UNC
	:		06-1069-EL-UNC
	:		06-1085-EL-UNC

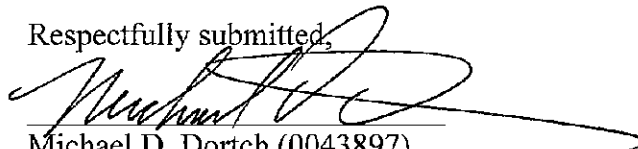
---

**THE JOINT APPLICATION FOR REHEARING  
OF DUKE ENERGY-OHIO, INC.,  
DUKE ENERGY RETAIL SALES, LLC, AND  
CINERGY CORP.**

---

Pursuant to Ohio Revised Code §4903.10, Ohio Admin Code §4901-1-35, and this Commission's Entries of May 28, 2008 and June 4, 2008, Duke Energy-Ohio, Inc. ("DE-Ohio"), Duke Energy Retail Sales, LLC ("DERS"), and Cinergy Corp. ("Cinergy"), by and through counsel, respectfully apply for rehearing of this Commission's Entries of May 28, 2008, and June 4, 2008, for the reasons stated in the attached Memorandum in Support, which is incorporated by reference herein.

Respectfully submitted,



Michael D. Dortch (0043897)  
KRAVITZ, BROWN & DORTCH, LLC  
145 East Rich Street  
Columbus, Ohio 43215  
Tel: 614-464-2000  
Fax: 614-464-2002  
E-mail: [mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)  
Attorneys for CINERGY CORP., and  
DUKE ENERGY RETAIL SALES, LLC

And

*Rocco D'Ascenzo (by M.P. w/permission)*

Paul A. Colbert (0058582)

Associate General Counsel

Rocco O. D'Ascenzo (0077651)

Senior Counsel

Duke Energy Shared Services, Inc.

139 E. Fourth Street, Rm 2500 AT II

Cincinnati OH 45201

Tel: 614- 221-7551

E-mail: [pcolbert@duke-energy.com](mailto:pcolbert@duke-energy.com)

[rocco.d'ascenzo@duke-energy.com](mailto:rocco.d'ascenzo@duke-energy.com)

Attorneys for DUKE ENERGY-OHIO, INC.

### **MEMORANDUM IN SUPPORT**

#### **I. Introduction**

This Commission is well aware that the protection of confidential information has been a subject of heated dispute throughout the course of this proceeding. Duke Energy-Ohio, Inc. ("DE-Ohio"), Duke Energy Retail Sales, LLC ("DERS") and Cinergy Corp. ("Cinergy"), and together with DE-Ohio and DERS, the "Duke Entities") will not recount yet again the prolonged series of Motions, Memoranda Contra, etc. that surround and evidence that dispute within this Memorandum supporting its Application for Rehearing.

It is nonetheless appropriate to begin with this Commission's October 24, 2007, Order on Remand, in which this Commission described specific categories of information it found are protected from disclosure under Ohio law, and then Ordered, among other things, that the Duke Entities work with certain parties and prepare redacted versions of certain confidential exhibits so as to conceal the information this Commission was holding to be protectable, and to file those redacted documents with the Commission

within 45 days of the date of the Order on Remand. The Commission further Ordered the Duke Entities and other parties to prepare still other redactions based upon those same instructions and to file those redactions with the Commission within 60 days of the date of the Commission's Order on Remand.

The Duke Entities attempted, in good faith, to comply with the first part of this Commission's Order on December 7, 2007. All parties were then granted an extension of time until January 23, 2008 to file the redacted versions of other confidential exhibits.

On that date, still other redactions were filed, as Ordered. In addition to its own version of the redacted materials, the Ohio Consumers Counsel (the "OCC") filed a Motion in which it asked this Commission to disapprove of redactions filed by the Duke Entities and others, and to "approve" OCC's version of the redacted materials filed on December 7, 2007, by the Duke Entities. OCC also sought a protective order regarding its filing, pending this Commission's ruling on its Motion for Approval.

IEU-Ohio opposed OCC's Motion on January 25, 2008 and through a Supplemental Memo Contra filed February 13, 2008. The Duke Entities opposed OCC's Motion on February 13, 2008. OCC filed its Reply on February 28, 2008, and this latest dispute regarding the protection of confidential information was thereupon submitted to this Commission.

On May 28, 2008, this Commission issued an Entry responding to OCC's Motions, and addressing the efforts of the parties to comply with the Commission's October 24, 2008, Entry on Remand. The Commission was clear that it did not agree with the redactions that any of the parties had submitted. The Commission then informed the parties that it had prepared its own version of redactions to the documents after an

exhaustive *in camera* review of those documents, that it would make those redactions available for review by the parties, and that it would place the Commission's version of the redacted documents in the public record on July 1, 2008,<sup>1</sup> unless an Application for Rehearing was filed prior to that date.

**II. Request for Clarification And Rehearing Regarding Inconsistencies In This Commission's Redactions.**

The Duke Entities have reviewed this Commission's Order on Remand, its Entry of May 28, 2008, and the Commission's redactions of the documents in question. The Duke Entities respectfully wish to advise the Commission that there are inconsistencies within the Commission's versions of the redactions, and inconsistencies between the Commission's redactions and its Orders. These inconsistencies appear to be the inevitable result of human error that occurs during the process of having numerous people redact information on a word-by-word basis from large volumes of materials. The Duke Entities are sympathetic to the difficulties faced by Commission personnel in performing these redactions, but believe these inconsistencies demonstrate the accuracy of the Duke Entities' past warnings – efforts to protect information that depend upon word-by-word redactions from thousands upon thousands of documents are an inherently unworkable answer to the balance this Commission attempts to maintain between its statutory obligations under Ohio's Public Records Act, R.C. §149.011, and its obligations under Ohio's Trade Secret Act, R.C. §1331.61.

The Duke Entities have prepared a spread sheet, attached as Exhibit A to this Application for Rehearing, in which the Duke Entities specifically identify the instances

---

<sup>1</sup> By Entry dated June 4, 2009, the Commission subsequently changed the date its redactions would be released into the record to July 8, 2008, due to a technical difficulty in making the redactions available to the parties for review, but otherwise readopted its filings so as to make Applications for Rehearing due no later than July 7, 2008.

of inconsistent redactions that they have noted to the Commission. As directed by this Commission in its Entry of May 28, 2008, the Duke Entities have used the Commission's numeric identification of the individual pages. Because the Duke Entities wish to file this Application for Rehearing within the public record, it has, however, identified the specific issue with any particular page in a somewhat generic fashion. In the event that this Commission determines that what the Duke Entities identify as inconsistencies are not mere error, however, the Duke Entities respectfully request clarification of the intent of this Commission in redacting certain customer names, for example, on certain documents, but not on others.

### **III. Application For Rehearing Regarding Employee Privacy.**

The Duke Entities next respectfully request that the Commission reconsider its May 28, 2008, and June 4, 2008, rulings with regard to their efforts to protect the privacy of Duke Entity employees. In this regard, the Duke Entities do not assert that the names of executives or employees who appeared as witnesses, either voluntarily and on behalf of one of the Duke entities or involuntarily in response to subpoenas require protection. Furthermore, the Duke Entities do not assert that the names of attorneys representing any of the Duke Entities require protection.

Nonetheless, the identities of numerous individual employees of the Duke Entities are contained within these documents. Many had only tangential responsibilities for the matters at issue before this Commission. No public purpose is served by the disclosure of the identity of these individuals, and the Duke Entities maintain that their economic interests will be impaired if their employees believe that they might be subject to public criticism for conduct in the best interests of their employer.

Under Ohio law, the term "Trade secret" describes *all* information, in whatever form and however derived, that satisfies the following two statutory criteria:

- (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

R.C. § 1333.61(D).

In interpreting the language of this statute, the courts of Ohio rely upon six factors when evaluating claims of trade secrecy:

1. The extent to which the information is known outside the business;
2. The extent to which it is known to those inside the business;
3. The precautions taken by the holder of the trade secret to preserve its secrecy;
4. The value to the holder in having the information;
5. The amount of effort or money expended to obtain or develop the information; and
6. The amount of time and expense it would take for others to duplicate the information.

*State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 525, 1997-Ohio-75, 75, 687 N.E.2d 661, 672; *Pyromatics, Inc. v. Petruziello*, 7 Ohio App. 3d 131, 134-135 (Cuyahoga Cty 1983).

As the Duke Entities asserted in response to OCC's Motion for Approval of its version of the Redactions, the Duke Entities have a legitimate interest in assuring their employees and executives that each may perform their assigned work responsibilities without concern as to how their decisions may appear to those who do not possess the same information they do, or which have agendas other than the best interest of the Duke Entities, their customers, and their community. This assurance has an enormous

economic, albeit intangible, value to the Duke Entities. The protection of the identity of the various individuals does not change, conceal, or render incomprehensible any relevant, material information contained within documents before this Commission, nor would it implicate any legitimate concern of the public. The Duke Entities certainly have made every reasonable effort to assure their employees that they will attempt to protect their identities.

**IV. Application For Rehearing Regarding This Commission's Decision To Release Documents No. 1111-1130.**

Even though Documents No. 1111-1130 were created in 2004 and based upon earlier RSP proposals by DE-Ohio, the Duke Entities assert that the calculations and the discussion of the calculations in Documents No. 1111-11130, which consist of economic forecasts running through the year 2008, reveal the existence of economic variables that were and remain of continuing significance to DE-Ohio, DERS, and the ultimate corporate parent, Duke Energy Corporation. Neither this type of information, nor this specific information, is generally known outside the Duke Entities. It is not generally known to those inside the business unless necessary. It is protected by the Duke Entities, has great economic value to them, and cannot easily be duplicated (if at all), outside the Duke Entities, which take great efforts to protect information of this sort.

**V. Application for Rehearing Regarding Documents No. 02318, 02373, 02437, 02535**

Documents No. 02318, 02373, 02437, 02535 identify, by name, the "marquee customers" of an unregulated subsidiary of Duke Energy Corp. that has not entered its appearance in these proceedings. Customer identity is the classic example of confidential business information. This information should not be publicly released, but if the



Commission determines that this information is not protected for some reason, it should provide unambiguous notice of that determination to the Duke Energy Corp. subsidiary involved, and provide it an opportunity to intervene in these proceedings to be heard upon the subject, before the information is released.

**VI. Application for Rehearing Regarding Paragraph 8 of this Commission's Entry.**

Finally, the Duke Entities respectfully request that this Commission reconsider paragraph 8 of its May 28, 2008 Entry. Paragraph 8 was this Commission's response to Duke Energy Ohio's argument that documents submitted to this Commission under seal but never admitted into evidence should not be considered public records and should not be subject to public disclosure. The Commission found as follows:

We disagree with Duke's reasoning. It is certainly true that confidential documents retain that nature even when they come into the possession of the Commission, as held by the court. However, that conclusion does not support a holding that documents that are filed with the Commission are not "records" simply because they did not form the basis of a Commission opinion. Duke made the determination, in 2004, that it wished to file these documents, which were responses to discovery requests. Such a filing was not required by Commission rules. Duke's motion for a protective order referenced a dispute between Duke and OCC concerning the handling of confidential documents. Duke's filing was intended to use the Commission's protective order as a part of the resolution of that dispute. In granting the requested protective order, the attorney examiner also resolved the dispute concerning terms of the parties' confidentiality agreement. Thus, even if Duke's argument regarding the definition of "records" in Section 149.011, Revised Code, is correct, which we are not here determining, **it would not result in a conclusion that these documents did not document the decisions of the Commission. They did document the background of the examiner's granting of a protective order.**

(Emphasis supplied.)

The Duke Entities respectfully assert that the position taken by the Commission in paragraph 8 will prove incredibly damaging in future proceedings to this Commission, to

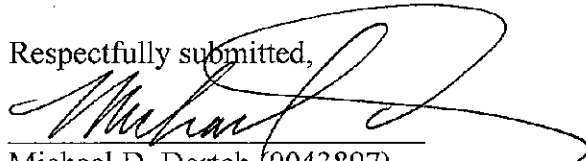
the entities it regulates, to parties to Commission proceedings, and to the business climate of the State of Ohio. First, parties *must* have confidence that they can approach this Commission regarding honestly-held disagreements concerning issues such as relevance and confidentiality. The Commission's statement in paragraph 8 will be interpreted to mean that, (for example) even when the Commission agrees with a party that information is irrelevant and thus inadmissible in a particular case, the documents containing that information are nonetheless part of the public record for purposes of documenting the basis of the Commission's determination of irrelevancy. Inevitably, such a process will be abused.

Moreover, the transactional costs to this Commission, to regulated entities, and their vendors will prove unacceptable. Documents evaluated in response to a discovery request will have to be evaluated not merely for responsiveness, but also for the "redactability" of information within the document. Further, no document will in fact remain confidential when it comes into the possession of the Commission. Instead – as this case more than adequately demonstrates – only limited words or phrases contained within such documents, at best, will remain confidential. The remainder will inevitably be exposed to public scrutiny.

If paragraph 8 is not modified, a real risk exists that parties before this Commission will in the future seek to evade discovery obligations in order to protect information they do not wish to be subject to public scrutiny. Moreover, if paragraph 8 is not modified, the competitive position of the State of Ohio is at risk. Non-party vendors seeking to develop new pollution control technologies, for example, may well decide that their lack of confidence in the protections this Commission offers to their proprietary

information means that they prefer doing business with utilities located in states other than Ohio. Even if such vendors retain confidence in this Commission's willingness to protect such information, they easily may decide that the transactional costs of protecting their technologies from public exposure are a factor in their willingness to enter into deals to develop their technologies with Ohio utilities. In short, *every* request for a protective order will become an opportunity for someone to insist, in pursuit of his, her, or its own agenda, that any document disclosed to this Commission must subsequently be analyzed on word-by-word basis, redacted, and then placed in the public record. This will prove to be expensive, unwieldy, and fraught with opportunities for error. It will not prove to be wise public policy.

Respectfully submitted,



Michael D. Dortch (0043897)  
KRAVITZ, BROWN & DORTCH, LLC  
145 East Rich Street  
Columbus, Ohio 43215  
Tel: 614-464-2000  
Fax: 614-464-2002  
E-mail: [mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)  
Attorneys for CINERGY CORP., and  
DUKE ENERGY RETAIL SALES, LLC



Rocco D'Ascenzo (by *Paul A. Colbert*)  
w/permission

Paul A. Colbert (0058582)  
Associate General Counsel  
Rocco O. D'Ascenzo (0077651)  
Senior Counsel  
Attorneys for DUKE ENERGY-OHIO, INC.,  
Duke Energy Shared Services, Inc.  
139 E. Fourth Street, Rm 2500 AT II  
Cincinnati OH 45201  
Tel: 614- 221-7551  
E-mail: [paul.colbert@duke-energy.com](mailto:paul.colbert@duke-energy.com)  
[rocco.d'ascenzo@duke-energy.com](mailto:rocco.d'ascenzo@duke-energy.com)  
Attorneys for DUKE ENERGY-OHIO, INC.

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 7<sup>th</sup> day of July 2007.

Staff of the PUCO

Anne.Hammerstein@puc.state.oh.us  
Stephen.Reilly@puc.state.oh.us  
Scott.Farkas@puc.state.oh.us  
Thomas.McNamee@puc.state.oh.us  
Werner.Margard@puc.state.oh.us

Bailey, Cavalieri  
dane.stinson@baileycavalieri.com

Bricker & Eckler, LLP  
sbloomfield@bricker.com  
TOBrien@bricker.com;

Duke Energy  
anita.schafer@duke-energy.com  
paul.colbert@duke-energy.com  
michael.pahutski@duke-energy.com  
rocco.d'ascenzo@duke-energy.com

First Energy  
korkosza@firstenergycorp.com

IEU-Ohio  
dneilsen@mwncmh.com;  
jbowser@mwncmh.com;  
lmcaster@mwncmh.com;  
sam@mwncmh.com;

Ohio Consumers Counsel  
bingham@occ.state.oh.us  
HOTZ@occ.state.oh.us  
SAUER@occ.state.oh.us  
SMALL@occ.state.oh.us

BarthRoyer@aol.com;  
ricks@ohonet.org;  
shawn.leyden@pseg.com  
mchristensen@columbuslaw.org;  
cmooney2@columbus.rr.com  
rsmithla@aol.com  
nmorgan@lascinti.org  
schwartz@evainc.com  
WTTPMLC@aol.com  
cgoodman@energymarketers.com;

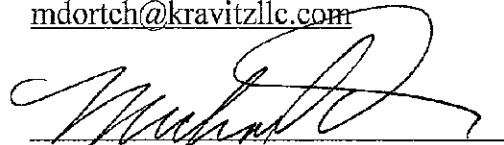
Boehm Kurtz & Lowry, LLP  
dboehm@bkllawfirm.com;  
mkurtz@bkllawfirm.com;

Cognis Corp  
tschneider@mgsqglaw.com

Eagle Energy  
eagleenergy@fuse.net

Strategic Energy  
JKubacki@strategicenergy.com

Duke Energy Retail Sales, LLC  
Cinergy Corp.  
mdortch@kravitzllc.com

  
Michael D. Dortch

<u>PUCO</u> <u>Bates #:</u>	<u>Doc.</u> <u>Description</u>	<u>Rationale and Comments:</u>
122	Whitlock Depo #17	Customer name is revealed in paragraph 2 and 7.
124	""	Customer name is revealed in paragraph 1.
137	Whitlock Depo #18	Rate Element is revealed in #2 and #5. Inconsistent redactions in paragraph 1:make consistent w/ PUCO 244.
143	Whitlock Depo #19	Inconsistent redaction in #1. Make consistent w/ PUCO 279 and 348.
144	""	Inconsistent redaction in #5.Make consistent w/ PUCO 279.
147	Whitlock Depo #20	Inconsistent redaction. Make consistent w/ PUCO 526, redact signature in top right.
151	""	Inconsistent redaction. Make consistent w/ PUCO 536.
157	""	Inconsistent redaction in the title of the 1st section.
180	Hixon Testimony	Inconsistent redaction. Make consistent w/ PUCO 137.
186	""	Customer name is revealed in Q25.
189	""	Customer name is revealed in Footnotes.
211	""	Inconsistent redaction. Make consistent w/ PUCO 285.
236	""	Customer name revealed in line 12.
244	BEH Exhibit # 2	Inconsistent redactions. Make consistent w/ PUCO 137. (Rate elements)
250	BEH Exhibit #3	Inconsistent redaction w/ PUCO 109 (Rate elements, charges paid).

251	""	Inconsistent redaction. Make consistent w/ PUCO 110 (paragraph 1).
257	BEH Exhibit #4	Inconsistent redaction. Make consistent w/ PUCO 116 (Footnote and date).
258	""	Inconsistent redaction. Make consistent w/ PUCO 117 and 185 (paragraph 1, last sentence).
263	BEH Exhibit #5	Customer name revealed in paragraph 5.
266 -272	BEH Exhibit #6	Redact customer name throughout page.
267	BEH Exhibit #6	Redact customer name throughout page.
268	BEH Exhibit #6	Redact customer name throughout page.
269	BEH Exhibit #6	Redact customer name throughout page.
270	BEH Exhibit #6	Redact customer name throughout page.
271	BEH Exhibit #6	Redact customer name throughout page.
272	BEH Exhibit #6	Redact customer name throughout page.
278	BEH Exhibit # 8	Inconsistent redaction. Make consistent w/ PUCO 143 (paragraph 1 and paragraph 2).
279	""	Inconsistent redaction in paragraph 5. Make consistant w/ PUCO 144
285	BEH Exhibit # 9	Inconsistent redaction in paragraph 7. Make consistent w/ PUCO 211 .
290	BEH Exhibit # 10	Redact Footnote. Make consistent w/ PUCO 116.
300	BEH Exhibit # 12	Redact customer name throughout page.

301	BEH Exhibit # 12	Redact customer name throughout page.
302	BEH Exhibit # 12	Redact customer name throughout page.
303	BEH Exhibit # 12	Redact customer name throughout page.
304	BEH Exhibit # 12	Redact customer name throughout page.
305	BEH Exhibit # 12	Redact customer name throughout page.
306	BEH Exhibit # 12	Redact customer name throughout page.
307	BEH Exhibit # 12	Redact customer name throughout page.
326	BEH Exhibit # 17	Redaction of paragraph (g) releases portion of base contract price. The specific variables and the calculation itself are confidential.
328	""	Inconsistent w/ Whitlock #20. (Section 6.2)
340	""	Redaction of paragraph (g) releases portion of base contract price.
342	""	Inconsistent w/ Whitlock #20. (Section 6.2)
354- 371	""	Redact customer name throughout page.
355	""	Redact customer name throughout page.
356	""	Redact customer name throughout page.
357	""	Redact customer name throughout page.
358	""	Redact customer name throughout page.

359	'''	Redact customer name throughout page.
360	'''	Redact customer name throughout page.
361	'''	Redact customer name throughout page.
362	'''	Redact customer name throughout page.
363	'''	Redact customer name throughout page.
364	'''	Redact customer name throughout page.
365	'''	Redact customer name throughout page.
366	'''	Redact customer name throughout page.
367	'''	Redact customer name throughout page.
368	'''	Redact customer name throughout page.
369	'''	Redact customer name throughout page.
370	'''	Redact customer name throughout page.
371	'''	Redact customer name throughout page.
376	'''	Inconsistent w/ Whitlock #20. (Section 6.2)
460	'''	Inconsistent w/ Whitlock #20. (Section 6.2)
472	'''	Inconsistent w/ Whitlock #20. (Section 6.2)



486	""	Inconsistent w/ Whitlock #20. (Section 6.2)
491	""	Redact customer name.( Exhibit A, paragraph 2)
503	""	Inconsistent w/ Whitlock #20. (Section 6.2)
517	""	Inconsistent w/ Whitlock #20. (Section 6.2)
530	""	Inconsistent w/ Whitlock #20. (Section 6.2)
546	""	Inconsistent w/ Whitlock #20. (Section 6.2)
559	""	Redact signature on top right of page.
563	""	Inconsistent w/ Whitlock #20. (Section 6.2)
577	""	Inconsistent w/ Whitlock #20. (Section 6.2)
591	""	Inconsistent w/ Whitlock #20. (Section 6.2)
605	""	Inconsistent w/ Whitlock #20. (Section 6.2)
618	""	Inconsistent w/ Whitlock #20. (Section 6.2)
632	""	Inconsistent w/ Whitlock #20. (Section 6.2)
644	BEH Exhibit # 19	Redact customer name in top right side under notes section.
648	""	Redact Customer name at top of page (Initials).
703	Customer Deposition	Redact customer name and name of person giving deposition.

704	'''	Redact customer name and name of person giving deposition.
705	'''	Redact customer name and name of person giving deposition.
706	'''	Redact customer name and name of person giving deposition.
707	'''	Redact customer name and name of person giving deposition.
708	'''	Redact customer name and name of person giving deposition.
709	'''	Redact customer name and name of person giving deposition.
710	'''	Redact customer name and name of person giving deposition.
711	'''	Redact customer name and name of person giving deposition.
712	'''	Redact customer name and name of person giving deposition.
713	'''	Redact customer name and name of person giving deposition.
714	'''	Redact customer name and name of person giving deposition.
715	'''	Redact customer name and name of person giving deposition.
716	'''	Redact customer name and name of person giving deposition.
717	'''	Redact customer name and name of person giving deposition.
718	'''	Redact customer name and name of person giving deposition.
719	'''	Redact customer name and name of person giving deposition.

720	'''	Redact customer name and name of person giving deposition.
721	'''	Redact customer name and name of person giving deposition.
722	'''	Redact customer name and name of person giving deposition.
723	'''	Redact customer name and name of person giving deposition.
724	'''	Redact customer name and name of person giving deposition.
725	'''	Redact customer name and name of person giving deposition.
726	'''	Redact customer name and name of person giving deposition.
727	'''	Redact customer name and name of person giving deposition.
728	'''	Redact customer name and name of person giving deposition.
729	'''	Redact customer name and name of person giving deposition.
730	'''	Redact customer name and name of person giving deposition.
731	'''	Redact customer name and name of person giving deposition.
732	'''	Redact customer name and name of person giving deposition.
733	'''	Redact customer name and name of person giving deposition.
734	'''	Redact customer name and name of person giving deposition.
735	'''	Redact customer name and name of person giving deposition.

736	'''	Redact customer name and name of person giving deposition.
737	'''	Redact customer name and name of person giving deposition.
738	'''	Redact customer name and name of person giving deposition.
739	'''	Redact customer name and name of person giving deposition.
740	'''	Redact customer name and name of person giving deposition.
741	'''	Redact customer name and name of person giving deposition.
742	'''	Redact customer name and name of person giving deposition.
743	'''	Redact customer name and name of person giving deposition.
744	'''	Redact customer name and name of person giving deposition.
745	'''	Redact customer name and name of person giving deposition. Redact rate element. Make consistent w/ PUCO 744.
746	'''	Redact customer name and name of person giving deposition. Redact rate element. Make consistent w/ PUCO 744.
747	'''	Redact customer name and name of person giving deposition.
748	'''	Redact customer name and name of person giving deposition.
749	'''	Redact customer name and name of person giving deposition.
750	'''	Redact customer name and name of person giving deposition.
751	'''	Redact customer name and name of person giving deposition.

752	""	Redact customer name and name of person giving deposition.
753	""	Redact customer name and name of person giving deposition.
754	""	Redact customer name and name of person giving deposition.
755	""	Redact customer name and name of person giving deposition.
756	""	Redact customer name and name of person giving deposition.
757	""	Redact customer name and name of person giving deposition.
758	""	Redact customer name and name of person giving deposition.
759	""	Redact customer name and name of person giving deposition.
760	""	Redact customer name and name of person giving deposition.
761	""	Redact customer name and name of person giving deposition.
762	""	Redact customer name and name of person giving deposition.
763	""	Redact customer name and name of person giving deposition.
764		Redact customer name and name of person giving deposition.
765		Redact customer name and name of person giving deposition.
766		Redact customer name and name of person giving deposition.
767		Redact customer name and name of person giving deposition.

768		Redact customer name and name of person giving deposition.
769		Redact customer name and name of person giving deposition.
770		Redact customer name and name of person giving deposition.
771		Redact customer name and name of person giving deposition.
772		Redact customer name and name of person giving deposition.
799	Customer Depo Exhibit B	Redact customer name throughout page.
800	""	Redact customer name throughout page.
801	""	Redact customer name throughout page.
802	""	Redact customer name throughout page.
803	""	Redact customer name throughout page.
804	""	Redact customer name throughout page.
805	""	Redact customer name throughout page.
806	Customer Depo Exhibit C	Redact customer name throughout page.
807	""	Redact customer name throughout page.
808	""	Redact customer name throughout page.
809	""	Redact customer name throughout page.

810	""	Redact customer name throughout page.
811	""	Redact customer name throughout page.
812	""	Redact customer name throughout page.
813	""	Redact customer name throughout page.
814	Customer Depo Exhibit D	Redact customer name throughout page.
815	""	Redact customer name throughout page.
816	""	Redact customer name throughout page.
817	""	Redact customer name throughout page.
818	""	Redact customer name throughout page.
819	""	Redact customer name throughout page.
820	""	Redact customer name throughout page.
821	""	Redact customer name throughout page.
822 - 824	Customer Depo Exhibit E	Customer name revealed throughout document. Make consistent w/ PUCO 651 - 652 (BEH EX 24)
823	""	Redact customer name throughout page. Make consistent w/ PUCO 651 - 652 (BEH EX 24)
824	""	Redact customer name throughout page. Make consistent w/ PUCO 651 - 652 (BEH EX 24)
884	Ficke Testimony	Redact financial consideration in lines 14 and 15.

886	Ficke Testimony	Redact financial consideration in lines 1, 2, 12, and 13.
887	Ficke Testimony	Redact financial consideration in line 12.
888	Ficke Testimony	Financial consideration in contract should be redacted at line 10, 12.
892	Ficke Testimony	Redact names of corporations.
901	Ficke Testimony	Redact discussion of amount to be paid in option agreements.
935	Ficke Testimony	Redact \$ amounts relating to the Standard Tariff (Lines 22 and 24).
936	Ficke Testimony	Redact Lines 6 - 12 due to financial significance.
958	Ficke Exhibit # 2	Inconsistent redactions. Make consistent w/ PUCO 109 (Lines 26 - 27)
959	Ficke Exhibit # 2	Redact bottom of previous page to current page end of section 1.
973	Ficke Exhibit # 6	Redact Section 7. Make consistent w/ PUCO 211.
990	Ficke Exhibit # 9	Redact paragraph 2. Make consistent with BEH ex. 13. Redact lines 10 and 11 of section 2. Make consistent with PUCO 312.
997	Ficke Exhibit # 10	Redact paragraph 2. Make consistent with BEH ex. 13. Redact lines 10 and 11 of section 2. Make consistent with PUCO 312.
1004	Ficke Exhibit # 11	paragraph 1 - "shall purchase" and last sentence of "of the market based.." Redact paragraph 2, last sentence. Make consistent w/ PUCO 143.
1012	Ficke Exhibit # 12	Inconsistent w/ Whitlock #20. (Section 6.2)
1024	Ficke Exhibit # 14	Redact Footnote. Make consistent w/ PUCO 116
1033	Ficke Exhibit # 15	Redact customer name in paragraph 5.



1044	Ficke Exhibit # 17	Redact customer name throughout page.
1051	Ficke Exhibit # 18	Redact customer name throughout page.
1059	Ficke Exhibit # 19	Redact customer name throughout page.
1092	GCF 3	Redact customer name throughout page. Redact price of generation.
1093	GCF 4	Redact price of generation.
1111 - 1130		See application for rehearing, section 4.
1172	Ziolkowski Depo	Redact discussion concerning generation charges and price.
1199	Ziolkowski Depo Exhibit # 4	Make consistent with 1111 - 1130
1206	Ziolkowski Depo Exhibit # 5	Make consistent with 1111 - 1130
1212	Ziolkowski Depo Exhibit # 6	Make consistent with 1111 - 1130
1217	Ziolkowski Depo Exhibit # 7	Make consistent with 1111 - 1130
1244	Cinergy Corp. Reply	Redact footnote. Customer name revealed.
1249	Cinergy Corp. Reply	Redact customer names revealed.
1258	Duke Reply	Redact nature of customers' business.
1268 - 1273	Duke Reply	Redact customer names.
1292	DERS Reply	Redact nature of customers' business.

1349	Ficke Testimony	Redact dates. (Lines 20, 24)
1350	Ficke Testimony	Redact generation provisions. (Lines 2, 3, 6, 7)
1609	PUCO Hearing	Redact rate elements. (Lines 22 - 24)
1610	PUCO Hearing	Lines 1 -5, Redact due to rate elements. Line 24, Redact amount of generation service (part in quote that IS actually redacted on next page).
1627	PUCO Hearing	Redact rate elements. (Lines 10 - 16)
1629	PUCO Hearing	Redact rate elements. (Lines 6 -17)
1653	PUCO Hearing	Redact date. (Line 5)
1658	PUCO Hearing	Redact customer name. (Line 21)
1661	PUCO Hearing	Redact customer name. (Bottom of page)
1702	Duke Merit Brief	Redact customer name. (Paragraph 1)
1724	OCC Post Remand Brief	Redact customer and organization names. (Paragraph 2)
1732	OCC Post Remand Brief	Redact Reserve Margin calculation. (Paragraph 1, 2)
1733	OCC Post Remand Brief	Redact Reserve Margin calculation. (Paragraph 1)
1737	OCC Post Remand Brief	Redact generation price and consideration. )Paragraph 2)
1762	OCC Post Remand Brief	Redact price consideration (Paragraph 1)
1766	OCC Post Remand Brief	Redact price consideration (Paragraph 1)

