

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**DUKE ENERGY – OHIO, INC.'S CINERGY CORP.'S, AND  
DUKE ENERGY RETAIL SALES, LLC'S MOTION FOR THE ENTRY OF A  
PROTECTIVE ORDER OF THEIR ATTACHMENT TO  
THEIR MEMORANDUM CONTRA OCC'S APPLICATION FOR REHEARING**

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Duke Energy-Ohio, Inc., Cinergy Corp., and Duke Energy Retail Sales, LLC, by and through their attorneys, respectfully move this Honorable Commission pursuant to OAC section 4901-1-24 for the entry of an Order protecting from disclosure and permitting to be filed under seal a chart, which they are submitting as an Attachment to their Memorandum Contra the Office of Ohio Consumers' Counsel's Application for Rehearing. The basis for this motion is set forth in the accompanying memorandum in support, which is incorporated by reference herein.

**MEMORANDUM IN SUPPORT**

On July 7, 2008, the Office of Ohio Consumers' Counsel ("OCC") filed an Application for Rehearing of the Commission's June 4, 2008, Entry in this matter. Contemporaneously with this Motion for Protective Order, Duke Energy-Ohio, Inc., Cinergy Corp., and Duke Energy Retail Sales (collectively, the "Duke Entities") filed their Memorandum Contra the OCC's Application for Rehearing. To effectively respond to OCC's Application for Rehearing, the

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Duke Entities must discuss OCC's requests for additional redactions by referring to the contents of the very documents that are the subject of this litigation about confidential information. Through their responses to OCC's specific redaction requests, the Duke Entities wish to demonstrate that OCC's proposed revisions to the Commission's redactions will not protect the confidential trade secrets belonging to the Duke Entities and to parties other than OCC which have appeared before this Commission in this proceeding. The Duke Entities have therefore created an Attachment to their Memorandum Contra OCC's Application for Rehearing, which explains why OCC's specific requests for redactions should not be granted. Until the Commission makes a final determination as to what information will and will not be redacted, it is necessary to continue to protect from public disclosure the contents of the subject documents, which are referenced in the Attachment to the Duke Entities' Memorandum Contra.

The Duke Entities therefore respectfully ask that this Commission accept their Attachment to their Memorandum Contra OCC's Application for Rehearing under seal, and, that it preserve the confidentiality of the information contained in the Attachment from public disclosure in a manner consistent with its ultimate ruling in this litigation.

Respectfully submitted,



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

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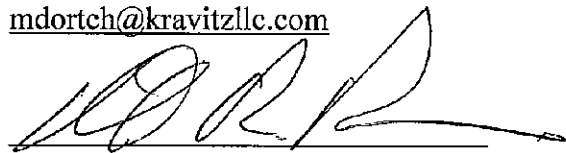
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