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Anita M. Schafer
Sr. Paralegal

PUCO

VIA OVERNIGHT MAIL

August 7, 2008

Public Utilities Commission of Ohio
Docketing Division
13th Floor
180 East Broad Street
Columbus, OH 43215-3716

Re: Case No. 08-709-EL-AIR
Case No. 08-710-EL-ATA
Case No. 08-711-EL-AAM

Dear Sir or Madam:

Enclosed please find an original and 20 copies of the Testimony in the above referenced case. Also enclosed is an original and 20 copies of the Motion for Protective Order of parts of the Testimony of Chris Kiergan and the attachment to his testimony.

Please return file-stamped copies of the enclosed Testimony cover sheets and the Motion for Protective Order to me in the overnight mail envelope provided via UPS mail.

Sincerely,

Anita M. Schafer
Senior Paralegal

AMS/bsc

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THE PUBLIC UTILITIES COMMISSION OF OHIO

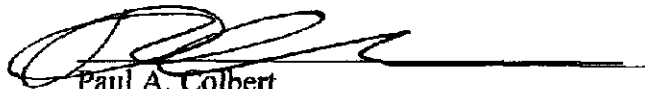
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In the Matter of the Application of Duke Energy Ohio for an Increase in Electric Distribution Rates)	Case No. 08-709-EL-AIR
)	
In the Matter of the Application of Duke Energy Ohio for Tariff Approval)	Case No. 08-710-EL-ATA
)	
In the Matter of the Application of Duke Energy Ohio for Approval to Change Accounting Methods)	Case No. 08-711-EL-AAM
)	

**DUKE ENERGY OHIO'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN
THE DIRECT TESTIMONY AND IN THE
ATTACHMENTS TO THE DIRECT TESTIMONY OF
CHRISTOPHER D. KIERGAN**

Duke Energy Ohio ("DE-Ohio") hereby moves this honorable Commission for leave to file under seal certain information contained in its Direct Testimony and in the Attachments to the Direct Testimony of Chris Kiergan. DE-Ohio sets forth in the attached Memorandum in Support its reasons why confidential treatment of this information is necessary.

Respectfully submitted,



Paul A. Colbert
Associate General Counsel
Rocco O. D'Ascenzo
Senior Counsel
Duke Energy Business Services, Inc.
139 Fourth Street, 25Atrium II
P. O. Box 960
Cincinnati, Ohio 45202-0960
(513) 419-1852

MEMORANDUM IN SUPPORT

DE-Ohio respectfully requests that the Commission (“Commission”) grant its Motion for Protective Order to Protect the Confidentiality of its Testimony and the Attachments to the Direct Testimony of Chris Kiergan.

This confidential trade secret information contains proprietary cost benefit and pricing information from vendors for equipment for DE-Ohio’s SmartGrid program. This information is proprietary to DE-Ohio and is the culmination of a significant amount of research and development on the part of the Company. This information is relevant to ongoing business strategy and negotiation as DE-Ohio moves forward to deploy SmartGrid in its certified territory. The information includes pricing information for software, hardware and other equipment for the implementation and deployment of SmartGrid.

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.¹ This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.²

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.

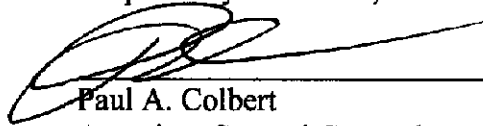
¹ OHIO ADMIN. CODE § 4901-1-24 (Anderson 2008)

² *Id.*

DE-Ohio considers the Confidential Material to be proprietary, confidential, and trade secret, 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.

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 the Testimony and of the Attachments to the Direct Testimony of Chris Kiergan 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,



Paul A. Colbert
Associate General Counsel
Rocco O. D'Ascenzo
Senior Counsel
Duke Energy Shared Services, Inc.
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P. O. Box 960
Cincinnati, Ohio 45202-0960
(513) 419-1852

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 7th day of August, 2008 by regular U. S. Mail, overnight delivery or electronic delivery.



Rocco O. D'Ascenzo

Ann Hotz, Esq. Ohio Consumers' Counsel 10 West Broad Street, Suite 1800 Columbus, OH 43215-3420	Mark Yurik, Esq. Counsel for The Kroger Co. Chester, Wilcox & Saxbe, LLP 65 East State Street, Suite 1000 Columbus, Ohio 43215-4213
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