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CINERGY

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Sent Via Email and UPS Overnight Delivery **PUCO**

April 1, 2005

Tamara R. McIntosh, Esq.
Manager
Regulatory Compliance

Ms. Renee J. Jenkins
Public Utilities Commission of Ohio
Director, Administration Department
180 East Broad Street
Columbus, Ohio 43215

RE: Case No. 05-999-EL-UNC

Dear Ms. Jenkins:

Attached for filing, as requested by the Staff of the Public Utilities Commission (PUCO), is The Cincinnati Gas & Electric Company's (CG&E) Annual Report for Rule 26. Per Commission Staff's request, CG&E has sent twenty (20) copies of its Rule 26 report for Docketing and has also forwarded an automated copy to Greg Hughes for the Commission's database. Please date stamp five (5) copies and return in the envelope provided.

If you should have any questions concerning this correspondence or the attached filing, please do not hesitate to contact me.

Sincerely,



Tamara R. McIntosh, Esq.
Manager, State Regulatory Compliance

Cc: Michael Gribler, Cinergy/CG&E, General Manager, State Regulatory Affairs
Paul Colbert, Cinergy/CG&E, Senior Counsel
Ken Smith, Cinergy/CG&E, Sr. Engineer, Operations & Engineering
Anita Schafer, Cinergy/CG&E, Senior Paralegal

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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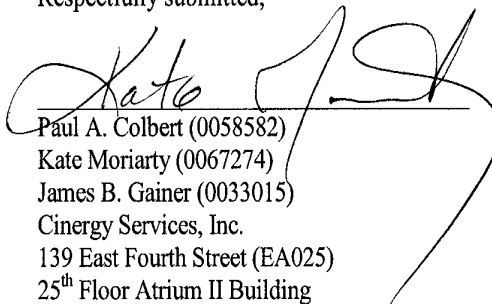
PUCO

In the Matter of the Annual Report of)
The Cincinnati Gas & Electric Company)
Pursuant to Rule 26 of The Electric Service) Case No. 05-999-EL-UNC
and Safety Standards, Ohio Administrative)
Code 4901:1-10-26)

THE CINCINNATI GAS & ELECTRIC COMPANY'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN ITS
RULE 26 ANNUAL REPORT

The Cincinnati Gas & Electric Company (CG&E) hereby moves this honorable Commission for leave to file certain portions of the Rule 26 Annual Report under seal. The portions of the Rule 26 Annual Report for which CG&E requests confidentiality, and the reasons why confidential treatment is necessary, are set forth in the attached Memorandum in Support.

Respectfully submitted,



Paul A. Colbert (0058582)
Kate Moriarty (0067274)
James B. Gainer (0033015)
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Attorneys for Applicant

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Report of)
The Cincinnati Gas & Electric Company)
Pursuant to Rule 26 of The Electric Service) Case No. 05-999-EL-UNC
and Safety Standards, Ohio Administrative)
Code 4901:1-10-26)

**MEMORANDUM IN SUPPORT OF
THE CINCINNATI GAS & ELECTRIC COMPANY'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN ITS
RULE 26 ANNUAL REPORT**

The Cincinnati Gas & Electric Company (CG&E) respectfully requests that the Public Utilities Commission of Ohio (Commission) grant its Motion for Protective Order To Protect The Confidentiality of Information Contained in CG&E's Rule 26 Annual Report.

CG&E is an Ohio corporation with its principal office in Cincinnati, Ohio. CG&E has the corporate power and authority, among others, to engage, and it is engaged, in the business of supplying electric distribution service to the public in the State of Ohio. Accordingly, CG&E is a public utility within the meaning of that term as used in R. C. 4905.02 and 4905.03. As such CG&E is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Ohio. As of October 24, 1994, CG&E became a wholly owned subsidiary of Cinergy Corp.

CG&E owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric distribution service over 660,000 customers in southwestern Ohio. CG&E has filed today its Rule 26 Annual Report. CG&E's Rule 26

Annual Report contains information the public disclosure of which could damage CG&E's competitive position and business interests, and could pose a threat to the security and reliability of CG&E's electric distribution and transmission system. Specifically, CG&E seeks to protect the confidentiality of the estimated costs for implementation of the future investment plan for facilities and equipment (Confidential Material).

The Ohio Admin. Code Section 4901-1-24(D) allows CG&E to seek leave of the Commission to file information contained in its Rule 26 Annual Report that CG&E 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 CG&E is filing a redacted version of the Application's Confidential Material, and submitting to the Staff a redacted version of the Confidential Material, concurrently with this Motion. CG&E is filing the three unredacted versions of the Confidential Material under seal, attached to this Petition. CG&E shall mark as confidential, trade secret, or proprietary, each redacted page of the Confidential Material pursuant to OAC 4901-1-24(D)(2).

The Confidential Material described above contains sensitive commercial information, the disclosure of which could injure CG&E. First, the Confidential Material contains projections of CG&E's investment plan for facilities and equipment. This information, which if disclosed, could be used by investors to make decisions regarding their purchase or sale of Cinergy Corp. stock, which would in turn affect the price of such stock. As such, the Securities and Exchange Commission requires that if this information

¹ OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)

² *Id.*

is disclosed, it must be disclosed publicly in the financial press rather than selectively in less public fora, such as the Rule 26 Annual Report. Cinergy Corp. does not provide to the financial press these projected investment plans, and therefore must seek to protect this information in the Rule 26 Annual Report.

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

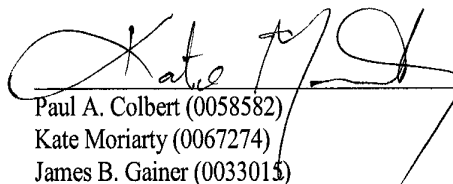
The public interest will be served by granting this Motion. By protecting the confidentiality of the investment plan for facilities and equipment, the Commission will ensure that all investors have access to the same publicly available information regarding Cinergy Corp. and ensure that no investors are provided information regarding Cinergy Corp. that is not generally made available to all investors, and thus the Commission will support the integrity of the nation's financial markets.

CG&E 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. The redacted version of the respective investment plan for facilities and equipment does not include the Confidential Material. Three unredacted versions of the investment plan for facilities and equipment are filed herewith, under seal, as Exhibit A.

WHEREFORE, CG&E respectfully requests that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), grant its Motion for Protective Order To Protect The Confidentiality Of Information Contained In CG&E's Rule 26 Annual

Report by making a determination that the Confidential Material is confidential,
proprietary and a trade secret.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kate Moriarty", is written over a horizontal line. The signature is stylized and cursive.

Paul A. Colbert (0058582)

Kate Moriarty (0067274)

James B. Gainer (0033015)

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