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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application)
of The Cincinnati Gas & Electric)
Company to Modify its Non-)
Residential Generation Rates to)
Provide for Market-Based) Case No. 03-93-EL-ATA
Standard Service Offer Pricing)
and to Establish a Pilot)
Alternative Competitively-Bid)
Service Rate Option Subsequent)
to Market Development Period)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Certain Costs Associated) Case No. 03-2079-EL-AAM
With The Midwest Independent)
Transmission System Operator)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Capital Investment in its) Case No. 03-2081-EL-AAM
Electric Transmission And Distribution) Case No. 03-2080-EL-ATA
System And to Establish a Capital)
Investment Reliability Rider to be)
Effective After the Market Development)
Period)

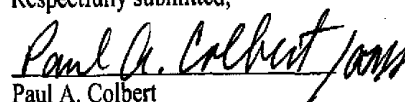
**THE CINCINNATI GAS & ELECTRIC COMPANY'S
MOTION FOR CONTINUATION OF THE PROTECTIVE ORDER**

By this motion, CG&E seeks a continuation of the Order issued on May 13, 2004,
determining that this information is proprietary and should be treated as confidential.
CG&E requests that the Commission continue the Order issued on May 13, 2004, to
indicate that this data, filed under seal, should be maintained at the Commission in a

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separate file which has restricted access. Finally, CG&E requests that the Commission issue an Order governing the access to the data by any other person; specifically, access to the data should be limited to parties agreeing to comply with the Order and prohibiting any person who has access to the data from revealing it to any other person, except as provided in the Order.

Respectfully submitted,


Paul A. Colbert
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MEMORANDUM IN SUPPORT

Certain information in this above-captioned case was granted protection by the Entry dated May 13, 2004. This information contained projected market pricing information dating from 2003. This information should remain confidential as it would provide a competitive advantage to competitive retail and wholesale electric service providers. The confidential price projections might permit a competitor to replicate or estimate CG&E's price forecasts. Such an ability would give a competitive advantage to alternative providers and would damage CG&E's ability to operate in the competitive market.

APPLICABLE LAW AND REGULATION

The Commission and its Staff are prohibited from revealing any information gathered within the scope of its investigation and regarded by the utility as confidential.

Ohio Revised Code 4901.16 provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or agent in any other capacity under the appointment or employment of the commission.¹

CG&E hereby maintains that the data contained in the Envelope previously filed under seal must be protected under Revised Code Section 4901.16 as it was gathered as part of an investigation and was not released in testimony or any report released in these cases.

The Commission's Rules of Practice also provide that the Commission, the legal director, the deputy legal director, or the attorney examiner:

¹ Ohio Rv. Code Ann. § 4901.16 (Baldwin 2006).

may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of title 49 of the revised code.²

Ohio Admin. Code § 4901-1-24(D). It is pursuant to this regulation that CG&E is making its motion.

WHEREFORE, for the reasons stated herein, CG&E requests that the Commission: Grant continued confidential treatment to the previously filed information submitted previously under seal.

Dated at Cincinnati, Ohio, this 28th day of March, 2006.

THE CINCINNATI GAS & ELECTRIC COMPANY




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² Ohio Admin. Code Ann. § 4901-1-24(D)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of The Cincinnati Gas & Electric Company was served on the following parties this 28th day of March, 2006 by regular

U. S. Mail.


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