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MICHAEL J. PAHUTSKI
Counsel

VIA OVERNIGHT MAIL

September 5 2003

CINERGY®

Mr. Thomas Dorman
Executive Director,
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

SEP 08 2003

PUBLIC SERVICE
COMMISSION

Re: Case No. 2003-00252

Dear Mr. Dorman:

Enclosed please find an original and 12 copies of Petition of The Union Light, Heat and Power Company, The Cincinnati Gas & Electric Company, and ICF Resources, Inc., for Confidential Treatment of Information, which are being submitted to you for filing. Please file-stamp and return the extra two copies to me in the overnight envelope provided.

If you have any questions, please feel free to contact me at (513) 287-3075.

Sincerely,


Michael J. Pahutski

MJP/mak

Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

SEP 08 2003

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF THE APPLICATION OF THE)
UNION LIGHT, HEAT AND POWER COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO ACQUIRE CERTAIN)
GENERATION RESOURCES AND RELATED)
PROPERTY; FOR APPROVAL OF)
CERTAIN PURCHASE POWER AGREEMENTS;)
FOR APPROVAL OF CERTAIN ACCOUNTING)
TREATMENT; AND FOR APPROVAL)
OF DEVIATION FROM REQUIREMENTS OF KRS)
278.2207 AND 278.2213(6))

CASE NO. 2003-00252

PETITION OF
THE UNION LIGHT, HEAT AND POWER COMPANY,
THE CINCINNATI GAS & ELECTRIC COMPANY,
AND ICF RESOURCES, INC.
FOR CONFIDENTIAL TREATMENT OF INFORMATION

The Union Light, Heat and Power Company (ULH&P), The Cincinnati Gas & Electric Company (CG&E) and ICF Resources, Inc. (ICF) (collectively, the Requesting Parties), pursuant to 807 KAR 5:001, Section 7, jointly request the Commission to classify and protect as confidential certain information that was provided in response to the Commission Staff's and the Kentucky Attorney General's initial interrogatories in this proceeding. In support thereof, the Requesting Parties state:

1. ULH&P filed responses to the initial interrogatories of the Commission Staff and responses to the initial interrogatories of the Kentucky Attorney General on September 2, 2003. These responses contain certain detailed ICF data relating to market forecasts of purchased power and natural gas prices and data derived therefrom as described in the previously-filed direct testimony of Mr. Judah L. Rose, a Managing

Director with ICF, to be treated as confidential and a trade secret. Additionally, ULH&P and CG&E jointly request that certain data relating to CG&E's ownership and operation of generating facilities be treated as confidential and trade secret; specifically, this information consists of: (1) fuel, variable O&M and A&G costs; (2) fuel contracts; (3) major generating facility maintenance; (4) engineering reports and analyses; (5) emission allowances; (6) generating facilities operating characteristics; and (7) capital expenditure projects and retirements, all associated with CG&E's generating facilities (hereinafter with ICF information collectively "Confidential Material"). As required by 807 KAR 5:001, Section 7(2)(b), ULH&P has provided one unredacted copy of the Confidential Material under seal. Further, ULH&P has accordingly clearly marked such Confidential Material. See attached Exhibit A for a detailed list of initial interrogatories the responses to which ULH&P seeks confidential treatment.

2. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878 (1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of that party.

3. The Confidential Material described above and prepared by ICF contains sensitive, non-public information and is highly proprietary to ICF. Public disclosure of this Confidential Material could harm ICF and provide a distinct advantage to competitors, to the detriment of ICF.

4. ICF Resources has taken reasonable precautions to protect against the public disclosure of the Confidential Material, including, but not limited to, only sharing

such information internally on a need to know basis and only releasing such information externally subject to appropriate confidentiality protections.

5. With electric deregulation in Ohio, the information relating to CG&E's ownership and operation of generating facilities consists of non-public information that is proprietary to CG&E. Public disclosure of this Confidential Material could harm CG&E by providing a competitive advantage to the competitors of CG&E, to CG&E's ultimate detriment. This Confidential Material is not known outside of ULH&P and CG&E, and it is not disseminated within these companies except to those employees with a legitimate business need to know and act upon the information. ULH&P and CG&E have taken reasonable precautions to protect against the public disclosure of the Confidential Material, including, but not limited to, only sharing such information internally on a need to know basis and only releasing such information externally subject to appropriate confidentiality protections.

6. The disclosure of the information contained in the Confidential Material would result in the abandonment of ICF's and CG&E's trade secret protection if the Commission did not adopt appropriate procedures to assure the following:

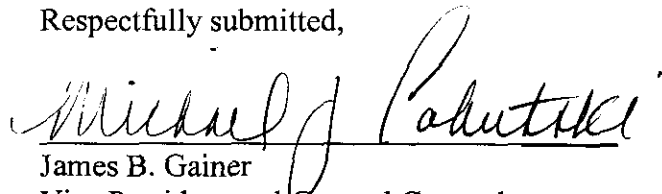
- a. That the Confidential Material be made available solely for inspection by certain designated members of the Commission Staff for purposes of their examination;
- b. That the Confidential Material be specifically secured and under the control of a responsible person;
- c. That any Commission Staff member receiving access to the Confidential Material be under an obligation to secure and maintain exclusive control of it, to refrain from directly or indirectly allowing public disclosure of any portion of said Confidential Material, and to refrain from and prohibit the copying and reproduction of any of the Confidential Material;

- d. That any documents, materials or reports prepared by the Commission Staff not have the effect of disclosing the confidential information contained in the Confidential Material;
- e. That no Commission Staff member should have access to the information contained in the Confidential Material without first acknowledging in writing, prior to access, the existence of any Protective Order issued by the Commission in response to this Motion, the need to treat such information in accordance with the provision thereof and the sanctions which may be imposed for unauthorized disclosure of such information.

7. ULH&P agrees to make the Confidential Material available to the Attorney General's office and any other non-competitive intervenor in this case upon the execution of an appropriate confidentiality agreement by such party or parties.

WHEREFORE, The Union Light, Heat and Power Company, The Cincinnati Gas & Electric Company and ICF Resources, Inc. respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,



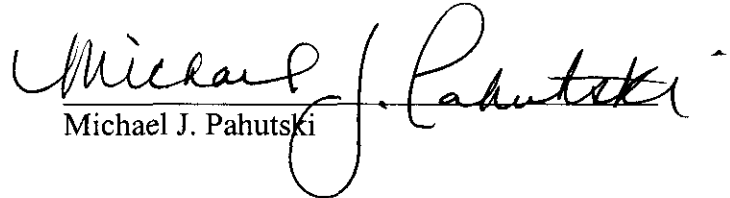
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Judah L. Rose, Managing Director
ICF Resources, Inc.
9300 Lee Highway
Fairfax, Virginia 22031
(703) 934-3926

CERTIFICATE OF SERVICE

This certifies that a copy of the Petition of ULH&P, CG&E and ICF Resources, Inc., for Confidential Treatment of Information was served upon the following parties of record via overnight mail, on this 5th day of September, 2003.


Michael J. Pahutski

Elizabeth E. Blackford
Assistant Attorney General
Office for Rate Intervention
1024 Capital Center Drive
Frankfort, KY 40601-8204

APPENDIX A

KyAG Data Request Number	Reason(s) for Confidentiality
15	Engineering reports and analyses; generating facilities operating characteristics
*16	Generating facilities operating characteristics
*17	Generating facilities operating characteristics
*18	Capital expenditure projects and retirements associated with CG&E's generating facilities
23	ICF Confidential Material
24	Generating facilities operating characteristics
28	Fuel, variable O&M and A&G costs
31	Capital expenditure projects and retirements associated with CG&E generating facilities; fuel, variable O&M and A&G costs
33	Capital expenditure projects and retirements associated with CG&E's generating facilities
43	Capital expenditure projects and retirements associated with CG&E's generating facilities
45	Capital expenditure projects and retirements associated with CG&E's generating facilities; fuel, variable O&M and A&G costs; generating facilities operating characteristics
57	Generating facilities operating characteristics
58	Generating facilities operating characteristics; fuel, variable O&M and A&G costs
*73	Generating facilities operating characteristics
*84	ICF Confidential Material
*87	ICF Confidential Material
88	ICF Confidential Material; engineering reports and analyses; capital expenditure projects and retirements associated with CG&E's generating facilities; fuel, variable O&M and A&G costs; generating facilities operating characteristics

*Request to withdraw from public record file to follow.

APPENDIX A

Staff Data Request Number	Reason(s) for Confidentiality
3(b)	Engineering reports and analyses
8(d)	Engineering reports and analyses; capital expenditure projects and retirements associated with CG&E's generating facilities
38(b)	Capital expenditure projects and retirements associated with CG&E's generating facilities
42(a)	Fuel, variable O&M and A&G costs; fuel contracts
42(b)	Fuel, variable O&M and A&G costs; fuel contracts
43	Engineering reports and analyses
*47(a)	Fuel, variable O&M and A&G costs
47(b)	Fuel, variable O&M and A&G costs
*53(a)	Capital expenditure projects and retirements associated with CG&E's generating facilities
*53(b)	Capital expenditure projects and retirements associated with CG&E's generating facilities
54(e)	Emission allowances

*Request to withdraw from public record file to follow.