

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JUL 06 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:

AN ADJUSTMENT OF THE GAS)
RATES OF THE UNION LIGHT,)
HEAT AND POWER COMPANY)

CASE NO. 2005-00042

MOTION OF THE ATTORNEY GENERAL FOR CONFIDENTIAL TREATMENT

Pursuant to 807 KAR 5:001 Section 7, the Attorney General hereby requests that the Public Service Commission grant confidential treatment to the compiled analysts forecasts data provided by J. Randall Woolridge on behalf of the Attorney General in response to Question 80 of The Union Light, Heat and Power Company's Request for Information to the Attorney General.

In support of this Motion, the Attorney General states as follows:

1. Under the Kentucky Open Records Act, the Public Service Commission is entitled to withhold information confidentially disclosed to it from public disclosure to the extent that open disclosure would permit an unfair advantage to competitors of the entity disclosing the information to the Commission under KRS 61.878 (1)(c). Public disclosure of the information identified would create an unfair advantage for competitors of J. Randall Woolridge, a professor and consulting financial expert, as set out in his attached Affidavit, by allowing them use of his research and analysis prior to his ability to publish the results of his study.

2. The assembled data, and calculations run utilizing that data, for which confidential treatment is sought was developed by Dr. Woolridge in connection with a study whose results he intends to publish, is not on file with any public agency, and is not available in its assembled format elsewhere. If publicly disclosed, other experts or consultants could use his

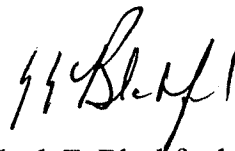
research and conclusions as the basis for their own articles, thereby depriving him the benefit of his work.

3. The Attorney General and Dr. Randall do not object to limited disclosure of the confidential information, pursuant to an acceptable protective agreement, to the Company and its consulting financial expert with a legitimate interest in reviewing the same for purposes of this case only.

4. In accord with the provisions of 807 KAR 5:001 Section 7, the Attorney General is filing one copy of the Response to Question 80 of The Union Light, Heat and Power Company's with the confidential information highlighted and ten redacted copies, without the confidential information.

WHEREFORE, the Attorney General respectfully requests that the Commission grant confidential protection to the information designated as confidential for a period of five years from the date of the filing of the Response.

Respectfully submitted,



Elizabeth E. Blackford
Assistant Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204
(502) 696-5453

NOTICE OF FILING AND CERTIFICATION OF SERVICE

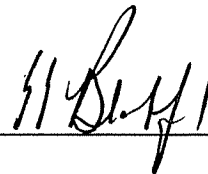
I hereby give notice that I have filed the original, together with on highlighted copy of the data and calculations for which confidential protection is cough, and ten true copies of the foregoing, together with 10 redacted copies of the information, with the Executive Director of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601 this the 6th day of July, 2005 and certify that this same day I have served the parties by mailing a true copy, together with a redacted copy of the information, postage prepaid, to the following:

JOHN J FINNIGAN JR ESQ
SENIOR COUNSEL
THE UNION LIGHT HEAT & POWER CO
139 E. FOURTH STREET
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ROBERT M WATT ESQ
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CINCINNATI, OH 45202

KATE E MORIARTY
UNION LIGHT HEAT AND POWER CO
139 EAST FOURTH STREET
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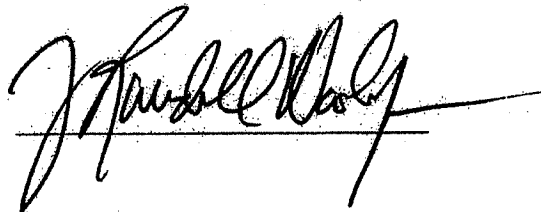


AFFIDAVIT

Comes the Affiant, J. Randall Woolridge, and being duly sworn, states as follows:

1. In connection with testimony prepared by and on behalf of the Attorney General of the Commonwealth of Kentucky, he has presented and discussed the conclusions he has reached based on corporate data showing analysts' earnings growth rate forecasts for the companies studied, collected, and research conducted and over a two-year time period.
2. As a financial expert, the data collected is valuable to Affiant as the basis of the study he is conducting with the intent of publishing the results of his study. That publication will be for his professional and financial gain.
3. Three types of files are being provided: (1) quarterly analyst's earning growth rates forecasts for twenty years as obtained from IBES, (2) a compilation of the means and medians of the forecasted and actually earnings growth contained in a file labeled Summary, and (3) the average forecast growth rates in a file labeled Average forecast. Specifically, the information that would not be shared resides in columns D & E of the quarterly report for 2000-2004, in columns F through L for the quarterly reports for 1984-1999, in columns E through H of the Summary file, and in columns C & G of the Average forecast file.
4. This assembly of data is information that is considered confidential and privileged in his field. It would not be revealed or shared publicly prior to publication of the author's article detailing the conclusions of the study conducted.
5. General publication of the data prior to his publication of his work based on that data would provide unfair commercial advantage to others in his field who would have the benefit of his research, his compilation of the data and his conclusions, which could be used for their own commercial benefit.

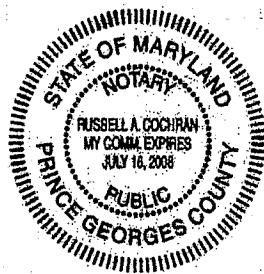
Further the Affiant Saith Not.



State of Maryland

County of Prince Georges

Subscribed and sworn to before me by J. Randall Woolridge this the 6th day of July, 2005. My Commission expires: July 16, 2008



Notary Public, State at Large