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June 7, 2006

John J. Finnigan, Jr.  
Senior Counsel  
Duke Energy Kentucky  
P.O. Box 960  
139 East Fourth Street  
Cincinnati, OH 45201-0960

Re: Union Light, Heat and Power Company Petition for Confidential Protection  
Case No. 2006-00172

Dear Mr. Finnigan:

The Commission has reviewed your petition, filed May 31, 2006, to protect as confidential certain pricing, quantity, and budget information contained in the coal supply contracts filed in this proceeding. Your petition was filed in conjunction with an application to adjust rates and to establish a fuel adjustment clause ("FAC") pursuant to Commission regulation 807 KAR 5:056. That regulation requires all fuel contracts to be on file with the Commission.

The Commission has, in a number of prior Orders, rejected requests for confidentiality of information contained in fuel contracts that were filed pursuant to the FAC regulation. Attached is a copy of the Commission's Order in Case No. 2000-00453,<sup>1</sup> which addresses this issue in detail. Based on a review of your petition, which contains no specific analysis to demonstrate any competitive injury, the Commission has determined that the information you have identified does not meet the criteria for confidentiality.

The information you have identified shall be withheld from public inspection for 20 days from the date of this letter ruling to provide an opportunity for you to request rehearing.

Sincerely yours,

Beth O'Donnell  
Executive Director

cc: Parties of Record

<sup>1</sup> Case No. 2000-00543, In Re Petition of Louisville Gas and Electric Company and Kentucky Utilities Company For Confidential Treatment of Certain Information Contained in Coal Supply and Transportation Contracts, Order dated June 12, 2001.