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ANITA M. SCHAFER  
Paralegal

**VIA OVERNIGHT MAIL**

September 16, 2003

**CINERGY**

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

**RECEIVED**

SEP 17 2003

PUBLIC SERVICE  
COMMISSION

Re: Case No. 2003-00252

Dear Mr. Dorman:

Please find an original and 12 copies of the Petition of The Union Light, Heat & Power Company and The Cincinnati Gas & Electric Company for Confidential Treatment of Information, as well as our Confidential Responses, filed under seal.

Please return a file-stamped copy of the Petition to me in the enclosed overnight mail envelope.

Should you have any questions, please feel free to contact me at (513) 287-3842.

Sincerely,

  
Anita M. Schafer

AMS/mak

Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**

SEP 17 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, AND  
THE CINCINNATI GAS & ELECTRIC COMPANY,  
FOR CONFIDENTIAL TREATMENT OF INFORMATION

The Union Light, Heat and Power Company (ULH&P), and The Cincinnati Gas & Electric Company (CG&E) (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 responses to the Commission Staff's and the Kentucky Attorney General's second set of interrogatories in this proceeding received on September 10, 2003. In support thereof, the Requesting Parties state:

1. Coincident with the filing of this Request, ULH&P is filing responses to the second set of interrogatories of the Commission Staff and responses to the interrogatories of the Kentucky Attorney General. 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) variable O&M

and A&G costs; (2) major generating facility maintenance; (3) emission allowances; (4) generating facilities operating characteristics; and (5) generation supply and demand information, all associated with CG&E's generating facilities (hereinafter "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 supplemental interrogatory 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. 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.

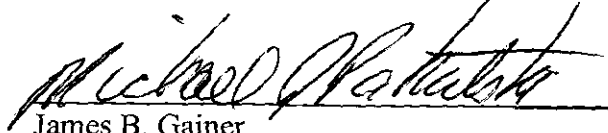
4. The disclosure of the information contained in the Confidential Material would result in the abandonment of CG&E's trade secret protection if the Commission did not adopt appropriate procedures to assure the following:

- 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.

5. 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, and The Cincinnati Gas & Electric Company respectfully request that the Commission classify and protect as confidential the specific information described herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Pahutski", is written over a horizontal line.

James B. Gainer  
Vice President and General Counsel  
Regulated Businesses  
Michael J. Pahutski, Trial Attorney  
John J. Finnigan, Jr., Senior Counsel  
The Union Light, Heat and Power Company  
The Cincinnati Gas & Electric Company  
139 East Fourth Street, 2500 Atrium II  
Cincinnati, OH 45201-0960  
(513) 287-3075 Fax: (513) 287-3810

CERTIFICATE OF SERVICE

This certifies that a copy of the Petition of The Union Light, Heat & Power Company and The Cincinnati Gas & Electric Company for Confidential Treatment of Information was served upon the following parties of record via overnight mail, on this 17th 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**

<b>KyAG Data Request Number Second Set</b>	<b>Reason(s) for Confidentiality</b>
1	Generating facilities operating characteristics
2	Generating facilities operating characteristics
13	Generation supply and demand information
14	Generation supply and demand information
17g	Generation supply and demand information
22c,d	Generation supply and demand information
29	Generating facilities operating characteristics
31	Capital expenditure and major generating facility maintenance

<b>Staff Data Request Number Second Set</b>	<b>Reason(s) for Confidentiality</b>
34	Generating facilities operating characteristics and emission allowances
37	Variable O&M and A&G costs