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aschafer@cinergy.com

**Via Overnight Mail**

September 8, 2003

**ANITA M. SCHAFFER**  
Paralegal

**CINERGY®**

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

RECEIVED

SEP 09 2003

PUBLIC SERVICE  
COMMISSION

Re: Case No. 2003-00252

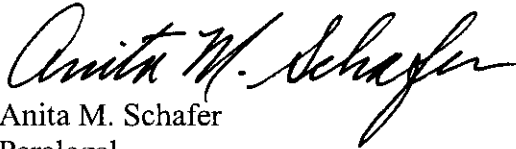
Dear Mr. Dorman:

Enclosed please find an original and ten (10) copies of ULH&P's Request to Remove From the Public Record Confidential Information in the above-referenced case. Please date-stamp the additional copy and return in the overnight envelope provided.

Please make certain that the requested responses listed on the Appendix A to the Request are removed from the public record.

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

Very truly yours,

  
Anita M. Schaffer  
Paralegal

AMS/mmp

Enclosures

cc: Elizabeth Blackford  
Deborah Eversole  
Anita Mitchell

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION **RECEIVED**

SEP 09 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

REQUEST OF  
THE UNION LIGHT, HEAT AND POWER COMPANY,  
AND THE CINCINNATI GAS & ELECTRIC COMPANY

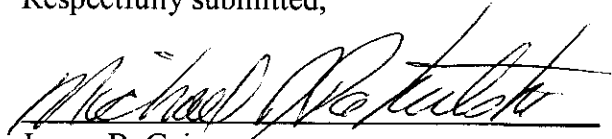
TO REMOVE FROM THE PUBLIC RECORD  
CONFIDENTIAL INFORMATION

The Union Light, Heat and Power Company (ULH&P) respectfully requests that the Commission remove from the public record certain information provided by ULH&P on September 2, 2003 in response to Commission Staff and Attorney General initial interrogatories. ULH&P neglected to file the information under seal, and therefore requests that this be removed. ULH&P, The Cincinnati Gas & Electric Company (CG&E) and ICF Resources, Inc. (ICF) has submitted a petition for Confidential Treatment on September 5, 2003 seeking to protect this and other information it had filed under seal. ULH&P has included on Appendix A a list of those responses requiring removal from the public record. ULH&P attaches hereto a redacted version of the responses for placement in the public record.

ULH&P has agreed to make the Confidential Material available to both the Commission Staff and 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 remove from the public record the documents listed in Appendix A attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James B. Gainer", 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 this Request of ULH&P, CG&E and ICF Resources, Inc., for removal from the public record Confidential Information was served upon the following parties of record via overnight mail, on this 8th day of September, 2003.

  
Michael J. Pahrutski

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

Deborah T. Eversole, Esq.  
Kentucky Public Service Commission  
Division of General Counsel  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

Anita Mitchell, Esq.  
Kentucky Public Service Commission  
Division of General Counsel  
Gas, Water & Sewer Branch  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

**APPENDIX A**

<b>KyAG Data Request Number</b>	<b>Reason(s) for Confidentiality</b>
16	Generating facilities operating characteristics
17	Generating facilities operating characteristics
18	Capital expenditure projects and retirements associated with CG&E's generating facilities
73	Generating facilities operating characteristics
84	ICF Confidential Material
87	ICF Confidential Material

<b>Staff Data Request Number</b>	<b>Reason(s) for Confidentiality</b>
47(a)	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

**KY AG Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 22, 2003**  
**Response Due Date: September 2003**

**KyAG-DR-01-016 (CONFIDENTIAL)**

**REQUEST:**

- 1-16 With respect to the witness Ege's Direct Testimony concerning the East Bend generating station, please specify or provide:
- a. Commissioning date
  - b. Referenced net generation, heat rate and availability data for the past five years
  - c. Estimated costs of actions to meet pending environmental regulations

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** John J. Roebel

**KY AG Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 22, 2003**  
**Response Due Date: September 2003**

**KyAG-DR-01-017 (CONFIDENTIAL)**

**REQUEST:**

1-17 With respect to the witness Ege's Direct Testimony concerning the Miami Fort 6 generating station, please specify or provide:

- a. Commissioning data
- b. Referenced net generation, heat rate and availability data for the past five years
- c. Estimated costs of actions to meet pending environmental regulations

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** John J. Roebel

**KY AG Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 22, 2003**  
**Response Due Date: September 2003**

**KyAG-DR-01-018 (CONFIDENTIAL)**

**REQUEST:**

- 1-18 With respect to the witness Ege's Direct Testimony concerning the Woodsdale generating station, please specify or provide:
- a. Commissioning date of each unit
  - b. For each unit, current percentage ownership by each owner
  - c. Costs of the "recent major overhauls" on Units 5 and 6
  - d. Costs of the anticipated overhauls on Units 1, 2, 3 and 4, by unit and by year 2003 through 2005

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** John J. Roebel



**KY AG Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 22, 2003**  
**Response Due Date: September 2003**

**KyAG-DR-01-073 (CONFIDENTIAL)**

**REQUEST:**

1-73. In Attachment RCM-1, page 4, please provide all calculation assumptions and workpapers used to develop the capacity charges in section 2.4.

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** M. Stephen Harkness

**KY AG Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 22, 2003**  
**Response Due Date: September 2, 2003**

**KyAG-DR-01-084 (CONFIDENTIAL)**

**REQUEST:**

1-84. On page 23 of her testimony, Ms. Rose discusses off-system sales from these plants. While her assessment assigns no value to these off-system sales, these sales are a reality and do generate a margin. Please provide the projected off-system sales from these units and the projected annual margin from these sales.

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** Judah L. Rose

**KY AG Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 22, 2003**  
**Response Due Date: September 2, 2003**

**KyAG-DR-01-087 (CONFIDENTIAL)**

**REQUEST:**

1-87. Please explain why Ms. Rose, on page 39 of her testimony believes that CO<sub>2</sub> controls are outside the range of reasonableness despite the fact that many other countries have implemented such controls.

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** Judah L. Rose

**KyPSC Staff Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 21, 2003**  
**Response Due Date: September 2, 2003**

**KyPSC-DR-01-047a (CONFIDENTIAL)**

**REQUEST:**

47. Refer to page 10 of the Steffen Testimony, specifically the discussion of generation-related Administrative & General ("A&G") expenses and how they were allocated to ULH&P.

a. Provide a narrative description and a summary of the analysis of prior years' expenses performed by the Energy Merchant Business Unit financial group, upon which the 80 percent allocation to the generating plants was based.

**RESPONSE:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

This information will be provided to a party in this proceeding who has signed a confidentiality agreement.

**WITNESS RESPONSIBLE:** John P. Steffen

**KyPSC Staff Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 21, 2003**  
**Response Due Date: September 2, 2003**

**KyPSC-DR-01-053a-Supplemental**

**REQUEST:**

53. Refer to Attachment JPS-1 to the Steffen Testimony. Provide the following information for each of the three generating facilities:

a. A detailed breakdown of the 2003 Capital Additions. Include a description of each project and the reason(s) the project is necessary. Also provide the status of the 2003 Capital Additions as of July 31, 2003.

**RESPONSE:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

The spreadsheet initially provided in response to this request (attachment KyPSC-DR-01-53a) was provided in error. Please see the attachment to response KyPSC-DR-01-038b which contains Confidential Proprietary Trade Secret information, for a breakdown of the 2003 Capital Additions and status.

**WITNESS RESPONSIBLE:** John J. Roebel

**KyPSC Staff Data Requests Set No. 1**  
**Case No. 2003-00252**  
**Date Received: August 21, 2003**  
**Response Due Date: September 2, 2003**

**KyPSC-DR-01-053b-Supplemental**

**REQUEST:**

53. Refer to Attachment JPS-1 to the Steffen Testimony. Provide the following information for each of the three generating facilities:

b. The construction budgets or other documentation that identify the specific capital additions expected in 2004, 2005, and 2006. Include a description of each project and the reason(s) the project is necessary.

**RESPONSES:**

**CONFIDENTIAL PROPRIETARY TRADE SECRET**

The spreadsheet initially provided in response to this request (attachment KyPSC-DR-01-53b) was provided in error. Please see the attachment to response KyPSC-DR-01-038b which contains Confidential Proprietary Trade Secret information, for a breakdown of the 2004, 2005 and 2006 expected capital additions.

**WITNESS RESPONSIBLE:** John J. Roebel