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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Duke)
Energy Ohio, Inc. for an Increase in Gas) Case No. 07-589-GA-AIR
Rates.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval of an) Case No. 07-590-GA-ALT
Alternative Rate Plan for its Gas)
Distribution Service.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to Change) Case No. 07-591-GA-AAM
Accounting Methods.)

**DUKE ENERGY OHIO, INC.'S
MOTION FOR PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN
THE DIRECT TESTIMONY AND IN THE
ATTACHMENTS TO THE DIRECT TESTIMONY OF
CHRISTOPHER D. KIERGAN**

Duke Energy Ohio, Inc. ("DE-Ohio") hereby moves this honorable Commission for leave to file under seal certain information contained in its Direct Testimony and in the Attachments to the Direct Testimony of Chris Kiergan. DE-Ohio sets forth in the attached Memorandum in Support its reasons why confidential treatment of this information is necessary.

Respectfully submitted,

Elizabeth H. Watts
Paul A. Colbert
Associate General Counsel
Elizabeth H. Watts
Assistant General Counsel
Duke Energy Business Services, Inc.
139 Fourth Street, 25Atrium II
P. O. Box 960
Cincinnati, Ohio 45202-0960
(513) 419-1827

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MEMORANDUM IN SUPPORT

DE-Ohio respectfully requests that the Commission ("Commission") grant its Motion for Protective Order to Protect the Confidentiality of its Testimony and the Attachments to the Direct Testimony of Chris Kiergan.

This confidential trade secret information contains proprietary cost benefit and pricing information from vendors for equipment for DE-Ohio's SmartGrid program. This information is proprietary to DE-Ohio and is the culmination of a significant amount of research and development on the part of the Company. This information is relevant to ongoing business strategy and negotiation as DE-Ohio moves forward to deploy SmartGrid in its certified territory. The information includes pricing information for software, hardware and other equipment for the implementation and deployment of SmartGrid.

Ohio Administrative Code Section 4901-1-24(D) allows DE-Ohio to seek leave of the Commission to file information DE-Ohio considers to be proprietary trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal.¹ This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.²

DE-Ohio is filing the confidential material under seal with each page marked as confidential, trade secret, or proprietary pursuant to O.A.C. 4901-1-24(D)(2).

The information for which DE-Ohio is seeking confidential treatment is not known outside of DE-Ohio and the vendors, and it is not disseminated within DE-Ohio

¹ OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)


² *Id.*

except to those employees with a legitimate business need to know and act upon the information.

DE-Ohio considers the Confidential Material to be proprietary, confidential, and trade secret, as that term is used in R. C. 1333.61. In addition, this information should be treated as confidential pursuant to R. C. 4901.16.

WHEREFORE, DE-Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its Motion for Protective Order to Protect the Confidentiality of the Testimony and of the Attachments to the Direct Testimony of Chris Kiergan by making a determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,



Paul A. Colbert
Associate General Counsel
Elizabeth H. Watts
Assistant General Counsel
Duke Energy Shared Services, Inc.
139 Fourth Street, 25Atrium II
P. O. Box 960
Cincinnati, Ohio 45202-0960
(513) 419-1827

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of Duke Energy Ohio for Confidential Treatment was served on the following parties this 28th day of July, 2008 by regular U. S. Mail, overnight delivery or electronic delivery.


Elizabeth H. Watts

Larry S. Sauer, Esq. Ohio Consumers' Counsel 10 West Broad Street, Suite 1800 Columbus, OH 43215-3420	John W. Bentine, Esq. Counsel for Interstate Gas Supply, Inc. Chester, Wilcox & Saxbe, LLP 65 East State Street, Suite 1000 Columbus, Ohio 43215-4213
David C. Rinebolt, Esq. Counsel for Ohio Partners for Affordable Energy 231 West Lima Street Findlay, OH 45840-3033	Colleen L. Mooney, Esq. Counsel for Ohio Partners for Affordable Energy 1431 Mulford Road Columbus, OH 43212-3404
Michael L. Kurtz, Esq. Counsel for The Kroger Co. Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202	William L. Wright, Esq. Assistant Attorney General Public Utilities Commission of Ohio 180 East Broad Street, 9th Floor Columbus, Ohio 43215
Thomas Lindgren, Esq. Assistant Attorney General Public Utilities Commission of Ohio 180 East Broad Street, 9th Floor Columbus, Ohio 43215	Thomas J. O'Brien Counsel for City of Cincinnati Bricker & Eckler LLP 100 South Third Street Columbus, Ohio 43215-4236
David F. Boehm, Esq. Counsel for Ohio Energy Group Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202	John M. Dosker, Esq. Stand Energy Corporation 1077 Celestial Street, Suite 110 Cincinnati, Ohio 45202-1629
M. Howard Petricoff, Esq. Steven M. Howard, Esq. Counsel for Integrys Energy Services, Inc. and Direct Energy Services LLC Vorys, Sater, Seymour and Pease LLP 52 East Gay Street P.O. Box 1008 Columbus, Ohio 43216-1008	Bobby Singh, Esq. Senior Attorney Integrys Energy Services, Inc. 300 West Wilson Bridge Road, Suite 350 Worthington, Ohio 43085
Mary W. Christensen, Esq. Counsel for People Working Cooperatively, Inc. Christensen Christensen Donchitz Kettlewell & Owens, LLC 100 East Campus View Blvd., Suite 360 Columbus, Ohio 43235	