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BEFORE

THE PUBLIC UTILITY COMMISSION OF OHIO

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In The Matter Of The 2009 Long-Term)
Gas Forecast Report Of) Case No.09-118-GA-FOR
Duke Energy Ohio and Related Matters.)

**DUKE ENERGY OHIO'S
MOTION FOR PROTECTIVE ORDER
FOR PROPRIETARY AND CONFIDENTIAL INFORMATION
IN THE
2009 GAS LONG-TERM FORECAST REPORT**

Duke Energy Ohio, a subsidiary of Duke Energy Corporation (Duke) filed its 2009 Gas Long-Term Forecast Report (GLTFR) with the Public Utility Commission of Ohio on June 1, 2009. The filing is comprised of a description of Duke Energy Ohio's natural gas demand forecast, source of supply forecast and transmission facilities as specified in Ohio Rev. Code 4935.04 and Ohio Adm. Code 4901:5-7-03. Certain proprietary, confidential, and "Critical Energy Infrastructure Information" (CEII) is contained in this GLTFR. By this motion, Duke Energy Ohio seeks an Order determining that this information is proprietary and should be treated as confidential. This Commission should Order that this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access. Finally, the Commission should issue an Order governing the access to the data by any other person; specifically, access to the data should be limited to parties agreeing to comply with the Order and prohibiting any person who has access to the data from revealing it to any other person, except as provided in the Order.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Amy B. Spiller". The signature is written in dark ink and is positioned above the printed name.

Amy B. Spiller

Associate General Counsel

Elizabeth H. Watts

Assistant General Counsel

Rocco D'Ascenzo

Senior Counsel

Duke Energy Business Services, Inc.

139 Fourth Street, 25 Atrium II

P. O. Box 960

Cincinnati, Ohio 45202-0960

(513) 419-1810 (telephone).

MEMORANDUM IN SUPPORT

Certain information contained in this GLTFR is now considered, since September 11, 2001, to be Critical Energy Infrastructure Information. The release of this information would place the gas transmission system in an unsafe and unreliable situation. If the CEII is openly disclosed, it could present security issues and could be used by terrorist organizations or others to disrupt Duke Energy Ohio's ability to provide reliable gas service. This information includes maps of Duke Energy Ohio's gas transmission system. This CEII information could, if made public, be used by terrorist organizations or others to disrupt Duke Energy Ohio's ability to provide gas service to the customers of their service territories. Those wishing to so disrupt the delivery of gas could use CEII to determine the most effective manner to disable Duke Energy Ohio's transmission facilities, thus rendering large parts of Duke Energy Ohio's service territory without gas service. FERC has similarly expressed concern over the release of CEII.¹

APPLICABLE LAW AND REGULATION

The Commission and its staff are already prohibited from revealing any information regarded by the utility as confidential. Ohio Revised Code 4901.16 provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or agent in any other capacity under the appointment or employment of the commission.

Duke Energy Ohio hereby notifies the Staff that the data contained in the Envelope filed under seal and attached hereto is confidential and subject to R. C. 4901.16. The Commission's Rules

¹ See *Critical energy Infrastructure Information*, 102 FERC ¶ 61,190 (February 21, 2003)

of Practice also provide that the Commission, the legal director, the deputy legal director, or the attorney examiner:

may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of title 49 of the revised code.²

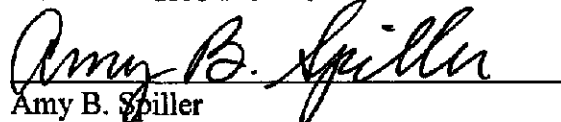
Ohio Admin. Code § 4901-1-24(D). It is pursuant to this regulation that Duke Energy-Ohio is making its motion.

WHEREFORE, for the reasons stated herein, Duke Energy Ohio requests that the Commission:

Grant confidential treatment to the Critical Energy Infrastructure Information described and submitted herewith under seal.

Dated at Cincinnati, Ohio, this 28th day of May, 2009.

DUKE ENERGY OHIO



Amy B. Spiller

Associate General Counsel

Elizabeth H. Watts

Assistant General Counsel

Rocco D'Ascenzo

Senior Counsel

Duke Energy Shared Services, Inc.

139 Fourth Street, 25Atrium II

P. O. Box 960

Cincinnati, Ohio 45202-0960

(513) 419-1810 (telephone)

(513) 287-3015

² OHIO ADMIN. Code ANN § 4901-1-24(D) (Baldwin 2006).