

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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.     )

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**DUKE ENERGY OHIO, INC.'S  
MOTION TO CONTINUE THE PROTECTIVE ORDER TO PROTECT THE  
CONFIDENTIALITY OF INFORMATION CONTAINED IN  
ATTACHMENT MGS-1 TO THE DIRECT TESTIMONY OF  
MATTHEW G. SMITH**

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Duke Energy Ohio, Inc. (Duke Energy Ohio) hereby moves this honorable Commission for leave to continue to keep under seal certain information contained in its Attachment MGS-1 to the Direct Testimony of Matthew G. Smith. Duke Energy Ohio sets forth in the attached Memorandum in Support its reasons why continued confidential treatment of this information is necessary.

## MEMORANDUM IN SUPPORT

Duke Energy Ohio respectfully requests that the Commission (“Commission”) grant its Motion to Continue the Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith. On May 28, 2008, the Commission approved the Motion for Protective Order for a period of 18 months from the date of the Order. The Protective Order is due to expire on November 28, 2009.

This confidential trade secret information contains proprietary pricing information from vendors for equipment for Duke Energy Ohio’s Utility of the Future program. This information is proprietary to the vendors. This pricing information is still currently significant to the Company’s business development and still market sensitive.

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

Duke Energy Ohio has filed 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) in its original request on February 21, 2008.

The information for which Duke Energy Ohio is seeking confidential treatment is not known outside of Duke Energy Ohio and the vendors, and it is not disseminated

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<sup>1</sup> OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)

<sup>2</sup> *Id.*

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

Duke Energy Ohio considers the Confidential Material to be proprietary, confidential, and trade secrets, 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, Duke Energy Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its Motion to Continue the Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith by making a continuing determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

/s/ Elizabeth H. Watts

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Elizabeth H. Watts  
Associate General Counsel  
Duke Energy Business Services, Inc.  
139 Fourth Street, 25Atrium II  
P. O. Box 960  
Cincinnati, Ohio 45202-0960  
(513) 419-1871

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of Duke Energy Ohio to Continue the Confidential Treatment was served on the following parties this       th day of September, 2009 by regular U. S. Mail, overnight delivery or electronic delivery.

/s/ Elizabeth H. Watts

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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 Itegrys 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 Integrays Energy Services, Inc. 300 Wert Wilson Bridge Road, Suite 350 Worthington, Ohio 43085
Mary W. Christensen, Esq. Counsel for People Working Cooperatively, Inc. Christensen Christensen Donchatz Kettlewell & Owens, LLC 100 East Campus View Blvd., Suite 360 Columbus, Ohio 43235	

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/2/2009 7:08:09 AM**

**in**

**Case No(s). 07-0589-GA-AIR**

Summary: Motion to Continue Protective Order electronically filed by Anita M Schafer on behalf of Ms. Elizabeth H. Watts