

FILE

4

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Application of ) Case No. 10-2788-GA-RDR  
Duke Energy Ohio for an Adjustment to Rider )  
AMRP Rates )

In the Matter of the Application of Duke ) Case No. 10-2789-GA-ATA  
Energy Ohio for Tariff Approval )


---

DUKE ENERGY OHIO, INC.'S  
MOTION FOR PROTECTIVE ORDER

---

Now comes Duke Energy Ohio, Inc. and submits this motion for a protective order to protect the confidentiality of a very limited amount of information contained in one exhibit attached to the Stipulation and Recommendation of the Parties in this case. Reasons for this motion will be set forth more fully below.

Respectfully submitted,



Elizabeth H. Watts (0031092)  
Associate General Counsel  
Amy B. Spiller (0047277)  
Deputy General Counsel  
DUKE ENERGY OHIO, INC.  
155 East Broad Street, 21st Floor  
Columbus, Ohio 43215  
Phone: 614-222-1330  
Fax: 513-419-1846  
[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

PUCO

2011 APR - 8 PM 3:54

RECEIVED-DOCKETING DIV

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician M Date Processed APR 08 2011

## **MEMORANDUM IN SUPPORT**

Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company), The Office of the Ohio Consumers' Counsel and the Staff of the Public Utilities Commission of Ohio submitted a Stipulation and Recommendation which resolves all of the outstanding issues raised in this matter. Attached to the Stipulation and Recommendation is Stipulation Exhibit 2 which contains information which is proprietary to the Company. The information has been very selectively redacted.

Information redacted from the exhibit is highly sensitive as it relates to details concerning the company's gas operations which could be exploited in various ways to the detriment of the company's business and to the safety of the public. This information is not public and maintained by the Company as a proprietary document. Since this information relates to gas operations and relates to safety and maintenance, it is naturally very sensitive.

Rule 4901-1-24(D) Ohio Administrative Code allows Duke Energy Ohio to seek leave of the Commission to file information considered to be proprietary and trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal. The redacted information contained on Stipulation Exhibit 2 constitutes otherwise confidential information.

The public interest is served by granting this motion. Protecting the confidentiality of the information will prevent undue harm to Duke Energy Ohio and its ratepayers, as well as ensuring a sound competitive marketplace. Moreover, the information redacted is minimal.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Rule 4901-1-24(D), grant its motion for a protective order by making a

determination that the confidential material contained in Stipulation Exhibit 2 be designated as confidential.

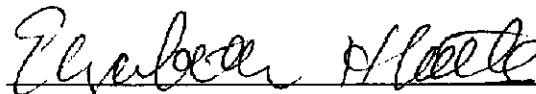
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth H. Watts".

Elizabeth H. Watts (0031092)  
Associate General Counsel  
Amy B. Spiller (0047277)  
Deputy General Counsel  
Duke Energy Shared Services, Inc.  
155 East Broad Street  
21st Floor  
Columbus, Ohio 43215  
Phone: 614-222-1330  
Fax: 513-419-1846  
[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

### Certificate of Service

I hereby certify that a true and accurate copy of the foregoing has been served upon the following parties via electronic mail, regular mail or by hand delivery this 8th day of April, 2010.

  
Elizabeth H. Watts

Steven L. Beeler  
Assistant Attorney General  
Public Utilities Section  
180 East Broad Street  
Columbus, OH 43215-3793

Larry S. Sauer  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485