

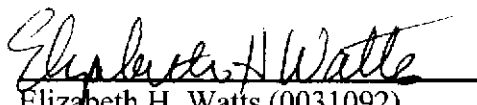
BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the 2011 Electric Long-Term)
Forecast Report and Resource Plan of Duke) Case No. 11-1439-EL-FOR
Energy Ohio, Inc.

**MOTION OF DUKE ENERGY OHIO, INC. FOR PROTECTIVE ORDER TO
PROTECT CONFIDENTIALITY OF INFORMATION CONTAINED WITHIN ITS
LONG-TERM FORECAST AND RESOURCE PLAN**

Now comes Duke Energy Ohio, Inc., and submits this motion for a protective order to protect the confidentiality of information contained within its Long-Term Forecast and Resource Plan. Reasons for this motion are set forth more fully in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) submitted an application for approval of its Long-Term Forecast and Resource Plan (Plan) in compliance with Ohio Administrative Code (O.A.C.), 4901:5-1-02 on July 15, 2011. Necessarily contained with the Plan is information related to critical energy infrastructure as contemplated under Rule 4901:5-5-04(G), O.A.C., as well as forecasts and proprietary and confidential information that must be protected. The critical energy infrastructure will be provided directly to Staff and is redacted from the Plan as consistent with Rule 4901:5-5-04(G). Additionally, the Plan contains information used within the Company for purposes of making internal business decisions that affect the management of the Company and its various business units in fundamental ways. The information is derived from studies, some of which are provided by consultants and some of which are produced internally, but all of which related to procurement of energy, capacity, and other market sensitive products and services. In order to maintain the ability for the Company to do business in a manner such that it can go out to the various markets and conduct sales and acquisitions in the best interests of its customers, this information must be protected as trade secret.

The information has been redacted in a highly surgical manner such that as much information is left in the open record as possible. In some instances, it was necessary to redact more than just a minimal amount of information where data is presented in tables, as some individual elements of the data might be used to extrapolate greater information that would otherwise be the case.

Rule 4901-1-24(D), O.A.C., 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 in the Plan constitutes trade secret information in accordance with Ohio's Uniform Trade Secret Act and relevant jurisprudence.

Specifically, Duke Energy Ohio has redacted Table 4 A.1, a sentence on page 154, some limited information on page 161, Table 4 M.3 and Form FE-R10. Table 4 A.1, the sentence on page 154, and Table 4 M.3 all relate to proprietary planning for capacity to serve customers. Information related to the volume and timing of the need for capacity may be used by competitors in the market place to "game" the system and obtain unfair competitive advantage. Ultimately, such advantage would detrimentally affect the Company's ability to obtain the lowest price for its customers. Thus, this information should be treated as highly confidential.

A sentence on page 154 is related to specific plans for modifications to Duke Energy generation. This information is competitively sensitive as well and can be of value to competitive providers of generation and should not be disclosed.

The Form FE-R10, provides specifications for planned electric generation facilities and includes specific cost data which could again be used by competitive entities in order to form bids for providing construction of certain facilities. This information was created in consultation with experts within and outside of the Company and is treated as highly confidential by the Company. An entity armed with the information redacted could devise a bid for construction

based upon the information contained within this table and thereby gain an anticompetitive advantage. This information is competitively sensitive and should not be disclosed.

The definition of trade secret contained in Revised Code 1333.61(D) is as follows:

“Trade secret” means information, including the whole or any portion of phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

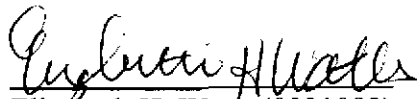
- (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The information that Duke Energy Ohio seeks to protect includes business information that derives independent economic value, actual or potential, from not being generally known to or ascertainable by other persons, who could obtain economic value from its disclosure. Duke Energy Ohio retains this information confidentially and does not disclose it other than under arrangements that will maintain its confidentiality.

The public interest is served by granting this motion. Parties to the case that enter into confidentiality agreements will have access to the information and thus there is no prejudice to these parties by affording the designated documents confidential treatment. Further, 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.

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 be designated as confidential, proprietary and trade secret under R.C. 4901.16 and 1333.61.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth H. Watts", is written over a horizontal line.

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