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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc. to Establish its Fuel and ) Case No. 09-974-EL-FAC  
Economy Purchased Power Component of its )  
Market-Based Standard Service Office for )  
2009. )

In the Matter of the Application of Duke )  
Energy Ohio, Inc. to Establish its System )  
Reliability Tracker of its Market-Based ) Case No. 09-975-EL-RDR  
Standard Service Offer for 2009. )

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**DUKE ENERGY OHIO, INC.'S  
MOTION FOR CONTINUATION OF THE PROTECTIVE ORDER TO  
PROTECT THE CONFIDENTIALITY OF INFORMATION CONTAINED IN ITS  
APPLICATION TO APPROVE THE FUEL ECONOMY PURCHASED POWER  
COMPONENT OF ITS MARKET-BASED STANDARD SERVICE OFFER  
FOR THE PERIOD ENDING DECEMBER 31, 2009 AND IN THE ANNUAL  
FILINGS, TESTIMONY AND ATTACHMENTS OF THE ABOVE-CAPTIONED  
CASE**

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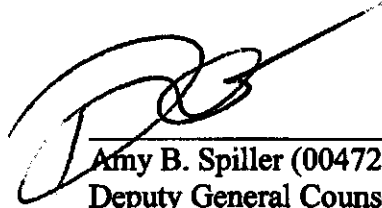
On March 2, 2010, Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) filed an Application to Approve the Fuel Economy Purchased Power Component of its Market-Based Standard Service Offer in Case No. 09-974-EL-FAC and its System Reliability Tracker in Case No. 09-975-EL-RDR (Application). Also on March 2, 2010, a motion for confidential treatment was filed to protect the confidentiality of information filed in it Application document. The Motion for protective treatment was granted in the Entry of June 14, 2010. By this motion, Duke Energy Ohio seeks to continue the Order issued on June 14, 2010, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that this Commission continue the

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Order issued on June 14, 2010 to include this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Amy B. Spiller', is written over a horizontal line.

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## **MEMORANDUM IN SUPPORT**

Duke Energy Ohio respectfully requests the Public Utilities Commission of Ohio (Commission) grant its Motion to Continue to Protect the Confidentiality of Information Contained in the Application.

Duke Energy Ohio is an Ohio corporation with its principal office in Cincinnati, Ohio. Duke Energy Ohio has the corporate power and authority, among others, to engage, and it is engaged, in the business of supplying electric distribution service in the State of Ohio. Accordingly, Duke Energy Ohio is a public utility within the meaning of that term as used in R. C. 4905.02 and 4905.03. As such, Duke Energy Ohio is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Ohio.

Duke Energy Ohio owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric distribution service to over 600,000 customers in southwestern Ohio.

On March 2, 2010, Duke Energy Ohio filed its Application to Approve the Fuel Economy Purchased Power Component of its Market-Based Standard Service Offer in Case No. 09-974-EL-FAC and its System Reliability Tracker in Case No. 09-975-EL-RDR (Application).

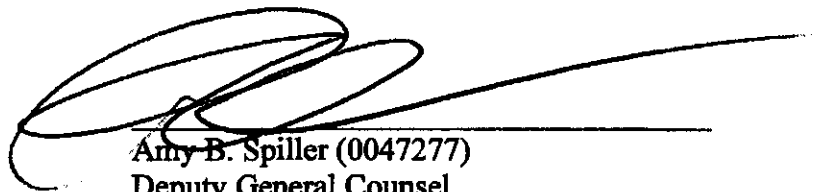
This Application contains confidential trade secret information. Specifically, the confidential information is reflected in the following testimony attachments: SP-1 of Salil Pradhan; WDW-2 of William Don Wathen Jr.; and TJT-1 of Timothy J. Thiemann. This information includes, but is not limited to, data describing

the Company's capacity positions, coal inventory levels and accounting adjustments at its Zimmer Generating Station.

The confidential trade secret information contained in Attachments TJT-1, WDW-2 and SP-1, if publicly disclosed, would give Duke Energy Ohio's competitors access to competitively sensitive, confidential information, which in turn could allow the competitors to make offers to sell coal, capacity, and wholesale power at higher prices than the competitors might offer in the absence of such information and to the detriment of Duke Energy Ohio and its customers. Further, competitors would be able to determine the Company's capacity and fuel positions and future needs, thereby placing the Company at a competitive disadvantage in terms of pricing and procuring needed resources.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Administrative Code Section 4901-1-24(D) continue the protection by its Entry of June 14, 2010 and the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

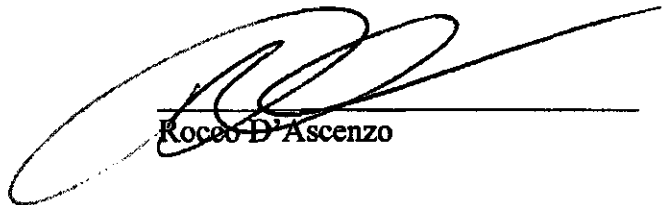
Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Duke Energy Ohio's Motion for Continuation of the Protective Order was served on the following parties this 27<sup>th</sup> day of October, 2011 by overnight delivery.



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