

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the 2010 Long-Term Forecast    )  
Report and Resource Plan of Duke Energy        )   Case No. 10-503-EL-FOR  
Ohio, Inc.    )

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**DUKE ENERGY OHIO, INC.'S MOTION FOR CONTINUATION OF THE  
PROTECTIVE ORDER TO PROTECT THE CONFIDENTIALITY OF  
INFORMATION CONTAINED IN THE DOCUMENT ENTITLED  
"DUKE ENERGY OHIO, INC. REVISED 2010 ELECTRIC LONG-TERM  
FORECAST REPORT AND RESOURCE PLAN"**

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On October 7, 2010, Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) filed the "Duke Energy Ohio, Inc. Revised 2010 Electric Long-Term Forecast Report and Resource Plan". Also on October 7, 2010, an amended motion for confidential treatment was filed to protect the confidentiality of information filed in its Application document. A second amended motion for confidential treatments was filed on October 21, 2010. Both the Amended Motion and the Second Amended Motion for protective treatment was granted in the Entry of October 21, 2010. By this motion, Duke Energy Ohio seeks to continue the Order issued on October 21, 2010, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that this Commission continue the Order issued on October 21, 2010 to include this data, filed under seal, and maintain the data at the Commission in a separate file which has restricted access.

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth H. Watts". To the right of the signature, there is a small, illegible handwritten mark.

Amy B. Spiller (0047277)

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Elizabeth H. Watts (0031092)

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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 only two pages 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 provides electric distribution service to over 600,000 customers in southwestern Ohio.

On October 21, 2010, an Entry was issued which ordered the filed amended motion for protective order be granted. This motion was to protect certain limited information on only four pages of the one hundred and ninety-eight page Resource Plan. Information redacted from pages 143, 152, 161, and 198 deals with proprietary information which was at that time, sensitive for business reasons. Such information, if released publicly, would affect the market for the sale of generation and was sensitive as it related to employees within Duke Energy Ohio's family of employees. The information related to the retirements of the Beckjord plants on pages 143 and 152 is now information that has been made public by the Company. Therefore the redactions on these two pages are no longer necessary.

However, the redactions on page 161 contain information relative to contracts between Duke Energy Ohio and other parties, including volumes and dates of expiration. Although the dates contained therein have passed, the volumes and contract terms are still competitively sensitive and could impact the ability of such public counter parties to obtain competitive bids in the marketplace. This information is proprietary to the business and clearly relevant to trade secrets of Duke Energy Ohio. Disclosure of this information could disadvantage Duke Energy Ohio in its business dealings with contractual counterparties and could also impact the counter parties themselves.

Likewise, the information redacted on page 198 contains values that were derived from competitively sensitive materials that, if made available to the public, could jeopardize Duke Energy Ohio's business and strategic relationships in the generation markets. The information related to the Company's estimating of construction costs for new generation may not be relevant in Ohio under its current regulatory construct, but this information is of significance to Duke Energy Corporation as it relates to the potential to source and bargain for construction in other states. Such information could allow a vendor to negotiate a more favorable bargain for construction that would in turn, impact rates to customers in other states. Therefore, Duke Energy Ohio requests that this information be maintained under seal. The material included cost information provided by third parties which is proprietary to those parties and which contains the parties' intellectual property and work product. This information is related to costs incurred in constructing nuclear power plants and was collated by the Company in conjunction with other parties and in collaboration with consultant services.

This confidential trade secret information in both instances, if publicly disclosed, would give Duke Energy Ohio's competitors access to competitively sensitive, confidential information that is not ascertainable by others by proper means.

If this information becomes public, Duke Energy Ohio will be placed at a competitive disadvantage, in among other things, reducing its ability to negotiate for new generation. With the information contained in the Report, a competitor could take actions that, in the absence of this information, it would not otherwise take. Such actions might include adjusting its prices, either to win contracts on which Duke Energy Ohio may also be bidding – business the competitors otherwise would not be in a position to win, or to set its prices artificially high to take advantage of an overall short market, the latter action obviously forcing consumers to pay higher prices for power.

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 October 21, 2010 related only to pages 161 and 198 and the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

A handwritten signature in blue ink, reading "Elizabeth H. Watts / spk", is written over a horizontal line.

Amy B. Spiller  
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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 27th day of February, 2012 via electronic delivery.

A handwritten signature in blue ink that reads "Elizabeth H. Watts" followed by a stylized mark that appears to be "1036".

Elizabeth H. Watts

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

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Summary: Motion Duke Energy Ohio's Motion for Continuation of the Protective Order  
electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B.