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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)
Alternative Energy Portfolio Standard) Case No. 13-1909-EL-ACP
Report to the General Assembly for the)
2012 Compliance Year.)

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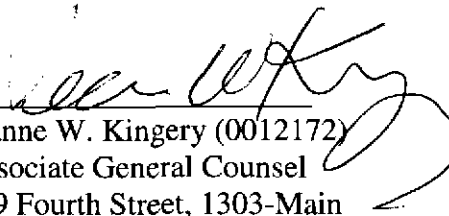
**MOTION OF DUKE ENERGY RETAIL SALES, LLC,
FOR PROTECTIVE ORDER**

In an Entry dated October 29, 2013, the Attorney Examiner directed all electric utilities and electric service companies to file information related to the average cost paid for renewable energy credits used to comply with the 2012 Alternative Energy Portfolio requirements. The Attorney Examiner further directed that cost data be filed for four categories of compliance costs: Ohio Solar, Other Solar, Ohio Non-Solar, and Other Non-Solar. The Attorney Examiner directed that entities seeking to protect this information should file the data under seal and include a Motion for Protective Order. Duke Energy Retail Sales, LLC, (DER) deems information related to average costs for renewable energy credits to be trade secret and proprietary. Therefore, pursuant to Rule 4901-1-24(D), O.A.C., DER will submit a redacted

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version of the information requested and seeks a protective order for this information. The reasons for this motion are set forth more fully in the attached Memorandum in Support.

Respectfully submitted,
DUKE ENERGY RETAIL SALES, LLC



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MEMORANDUM IN SUPPORT

Duke Energy Retail Sales, LLC, (DER) respectfully requests the Public Utilities Commission of Ohio (Commission) to grant its motion for a protective order related to the average cost data for renewable energy credits used to comply with 2012 Ohio Alternative Energy Portfolio requirements.

O.A.C. 4901-1-24(D) provides that the Commission or its attorney examiners may issue a protective order to assure the confidentiality of information contained in filed documents, to the extent that state or federal law prohibits the release of the information, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

The Commission generally refers to the requirements of R.C. 1333.61 for a determination of whether specific information should be released or treated confidentially. Subsection (D) of that section defines “trade secret” as follows:

“Trade secret” means information, including the whole or any portion or 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.¹

Thus, business information or plans and financial information are trade secrets if they derive independent economic value from not being generally known to or ascertainable by others

¹ R.C. 1333.61 (emphasis added).

who can derive economic value from use of the information and, in addition, they are the subject of reasonable efforts to maintain their secrecy.

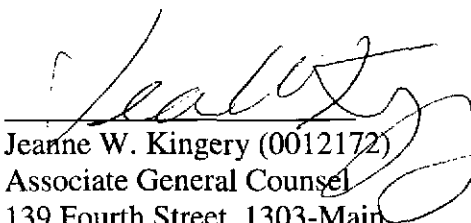
Information related to DER's average cost for acquiring renewable energy credits deals with proprietary information that is sensitive for business reasons. Such information, if released publicly, would likely affect the market for renewable energy credits. This information derives actual, independent economic value to DER as a result of its not being generally known or readily ascertainable by other persons who could use it to affect the market prices and availability of renewable energy credits in the market. Public disclosure of this information could therefore have a real effect on the financial position of DER.

DER takes steps, internally, to ensure that this information is not disclosed to anyone who does not have a business need for it. Externally, DER does not disclose this information other than under the terms of appropriate protective devices, such as confidentiality agreements.

Pursuant to the requirements of O.A.C. 4901-1-24(D), DER is filing the required information in both redacted and non-redacted forms, with the latter filed under seal.

WHEREFORE, DER respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its motion for protective order by making a determination that the redacted information is confidential, proprietary, and a trade secret under R.C. 1333.61.

Respectfully submitted,
DUKE ENERGY RETAIL SALES, LLC



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