

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Report of Duke Energy Ohio,)	
Inc., Concerning its Advanced and Renewable)	
Energy Baseline and Benchmarks and Ten-)	Case No. 20-549-EL-ACP
Year Compliance Plan.)	
)	

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

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby moves this honorable Public Utilities Commission of Ohio (Commission) for leave to file under seal certain information contained in the document titled “**Calculation of Company's percent status relative to 3% cost provision in ORC 4928.64(C)(3) of Duke Energy Ohio, Inc.**” covering the Period January 1, 2019 through December 31, 2019 (Demonstration of Status). This Demonstration of Status is being filed concurrently by Duke Energy Ohio with this Motion in Case No. 20-2000-xx-xxx on April 14, 2020 under seal. For the reasons set forth in the Memorandum in Support, Duke Energy Ohio respectfully requests that the Commission grant this motion and provide confidential treatment as requested.

Respectfully submitted,

/s/ Larisa M. Vaysman
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MEMORANDUM IN SUPPORT

Duke Energy Ohio respectfully requests that the Commission grant its motion for protective order to protect the confidentiality of information contained in the Demonstration of Status.

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 to customers 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 624,000 customers in southwestern Ohio.

Ohio Administrative Code Section 4901-1-24(D) allows Duke Energy Ohio to seek leave of the Commission to file information that Duke Energy Ohio considers to be confidential under seal.¹ This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.² Portions of the usual procedures have been temporarily waived and/or modified by the Commission in its April 8, 2020 Entry in Case No. 20-591-AU-UNC (COVID Order).

Pursuant to O.A.C. 4901:1-40-05(A), Duke Energy Ohio is required to “file by April fifteenth of each year, on such forms as may be published by the commission, an annual renewable energy portfolio status report analyzing all activities undertaken in the previous calendar year to

¹ O.A.C. 4901-1-24.

² *Id.*

demonstrate how the applicable renewable energy portfolio benchmarks have been met.” Among the components of this report, the Company is required to include a “[d]emonstration of status relative to the statutory three per cent cost provision, for the compliance year addressed in the annual status report.”³

The Commission has specifically authorized that demonstrations of status submitted under O.A.C. 4901:1-40-05(A)(3)(d) are *not* required to be made publicly available, and are entitled to confidential treatment. Section 4901:1-40-05(A)(3), which lists the items that must be included in a status report, specifies that the listed content must be made publicly available “with the exception of paragraph (A)(3)(d),” which describes the Demonstration of Status. In its Order approving the most recent amendment to this Rule, the Commission stated that “Ohio Adm. Code 4901:1-40-05(A)(3) has been amended to allow the electric utilities and ESCs to submit portions of the report confidentially.”⁴

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), the COVID Order, and 4901:1-40-05(A)(3), grant its Motion for Protective Order to protect the confidentiality of information contained in the document titled “**Calculation of Company’s percent status relative to 3% cost provision in ORC 4928.64(C)(3) of Duke Energy Ohio, Inc.**”, covering the Period January 1, 2019 through December 31,” by making a determination that the Demonstration of Status is authorized to be treated as confidential by O.A.C. 4901:1-40-05(A)(3).

Respectfully submitted,

/s/ Larisa M. Vaysman
Rocco D’Ascenzo (0077651)

³ O.A.C. 4901:1-40-05(A)(3)(d).

⁴ *In the Matter of the Commission’s Review of its Rules for the Alternative Energy Portfolio Standard Contained in Chapter 4901:1-40 of the Ohio Administrative Code.*, Case No. 13-651-EL-ORD, Finding and Order, p. 69 (December 19, 2018).

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on the following party this 14th day of
April 2020, by regular U.S. Mail, overnight delivery, or electronic delivery.

/s/ Larisa M. Vaysman
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Summary: Motion Duke Energy Ohio, Inc.'s Motion For Protective Order (Confidential Treatment) electronically filed by Mrs. Tammy M Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Vaysman, Larisa