

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

Consolidated Duke Energy Ohio, Inc., Rate)	Case Nos. 03-93-EL-ATA
Stabilization Plan Remand and Rider)	03-2079-EL-AAM
Adjustment Cases.)	03-2081-EL-AAM
)	03-2080-EL-ATA
)	05-724-EL-UNC
)	05-725-EL-UNC
)	06-1068-EL-UNC
)	06-1069-EL-UNC
)	06-1085-EL-UNC

ENTRY

The attorney examiner finds:

- (1) On October 1, 2008, the Commission issued a protective order relating to a substantial quantity of information in the above-captioned proceedings.
- (2) On March 13, 2009, the Ohio Consumers' Counsel (OCC) filed a motion to modify that protective order. OCC explained that certain identified portions of the information have been released to the public in a proceeding in a federal court. Pursuant to an extension of time granted by the examiner, Duke Energy Ohio, Inc., (Duke) filed its memorandum contra on April 9, 2009. Duke contested the OCC motion on the grounds that the information in question was released without authorization and indicated that it was seeking a correction of that erroneous disclosure in the federal court. On April 16, 2009, OCC filed its reply, restating its request for full release of the information by the Commission. On May 21, 2009, Duke filed a notice that the federal court had granted Duke's motion relating to the redaction of customer account information. On May 22, 2009, OCC filed a letter, clarifying that only customer account numbers were being redacted from the federal court's record and that such redactions had been finalized.
- (3) In light of the parties' recent filings indicating that certain information in the dockets of these proceedings, which had previously been held under a protective order granted by the Commission, has now been released in a federal court action, the

examiner finds that it is appropriate to establish a procedure to allow the Commission to modify the existing protective order.

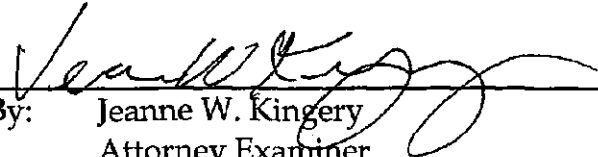
- (4) All pages that are currently subject to the Commission's protective order must first be reviewed to determine whether any of the redacted information should now be a part of the public record. Therefore, the following procedure shall be followed, in order to provide the Commission with the information necessary to modify the protective order in an appropriate manner:
- (a) No later than June 22, 2009, Duke shall file, in the public docket in these cases, all pages that are currently subject to protective order and that it believes should now be made public or with regard to which it believes the protective order should be modified.
 - (b) No later than July 17, 2009, any other party in these cases may present to Duke (but not file with the Commission) a list of any other redactions that it believes should be modified or eliminated. Following that date, Duke shall work with each party who has presented such a list to it, attempting to reach an agreement as to each requested modification or elimination of redactions.
 - (c) No later than August 17, 2009, Duke shall file, in the public docket in these cases, all additional pages with regard to which it has reached agreement to modify or eliminate redactions. In addition, at that time, Duke shall file a list of all additional redactions that are under dispute with any other party. No explanation of the disputes should be filed at such time, either by Duke or any other party. If the Commission or the attorney examiners require explanation of any dispute, a schedule for the filing of such arguments will be established at that time.

It is, therefore,

ORDERED, That the parties shall follow the procedures set forth in finding 4. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in these proceedings.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Jeanne W. Kingery
Attorney Examiner

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Entered in the Journal

JUN 01 2009


Renee J. Jenkins

Renee J. Jenkins
Secretary