

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio to Adjust and Set Its Gas and Electric Recovery Rate for SmartGrid Deployment Under Riders AU and Rider DR-IM	)	Case No. 09-543-GE-UNC
	)	
In the Matter of the Application of Duke Energy Ohio for Tariff Approval	)	Case No. 09-544-GE-ATA
	)	
In the Matter of the Application of Duke Energy Ohio to Change its Accounting Methods	)	Case No. 09-545-GE-AAM
	)	

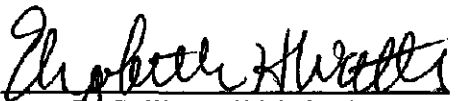
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DUKE ENERGY OHIO'S  
MOTION FOR PROTECTIVE ORDER TO PROTECT THE  
CONFIDENTIALITY OF INFORMATION CONTAINED IN  
THE ATTACHMENTS TO THE DIRECT TESTIMONY OF  
DONALD H. DENTON, III

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Duke Energy Ohio hereby moves this honorable Commission for leave to file under seal certain information contained in its Attachments to the Direct Testimony of Donald H. Denton, III. Duke Energy Ohio sets forth in the attached Memorandum in Support its reasons why confidential treatment of this information is necessary.


Respectfully submitted,  
Duke Energy Ohio

  
Amy B. Spiller (0047277)  
Associate General Counsel  
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Assistant General Counsel  
Duke Energy Business Services, Inc.

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## MEMORANDUM IN SUPPORT

Duke Energy Ohio respectfully requests that the Commission ("Commission") grant its Motion for Protective Order to Protect the Confidentiality of its Attachments to the Direct Testimony of Donald H. Denton, III.

This confidential trade secret information contains proprietary design criteria, functional requirements, business goals, and design assumptions. This information is proprietary to Duke Energy Ohio and is the culmination of a significant amount of research and development on the part of the Company. This information is relevant to ongoing business strategy and negotiation as Duke Energy Ohio moves forward to deploy SmartGrid in its certified territory. The information includes information concerning Information Technology software, hardware and other equipment for the implementation and deployment of SmartGrid. Duke Energy Ohio is presently seeking stimulus funding and publicly providing details could provide other competitors for funds an unfair advantage resulting in the potential harm to Duke Energy Ohio customers.

Ohio Administrative Code Section 4901-1-24(D) allows Duke Energy Ohio to seek leave of the Commission to file information Duke Energy Ohio considers to be proprietary trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal.<sup>1</sup> This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.<sup>2</sup>

Duke Energy Ohio is filing the confidential material under seal with each page marked as confidential, trade secret, or proprietary pursuant to O.A.C. 4901-1-24(D)(2).

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<sup>1</sup> OHIO ADMIN. CODE § 4901-1-24 (Anderson 2009)

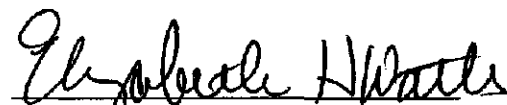
<sup>2</sup> *Id.*

The information for which Duke Energy Ohio is seeking confidential treatment is not known outside of Duke Energy Ohio and the vendors, and it is not disseminated within Duke Energy Ohio except to those employees with a legitimate business need to know and act upon the information.

Duke Energy Ohio considers the Confidential Material to be proprietary, confidential, and trade secret, as that term is used in R. C. 1333.61. In addition, this information should be treated as confidential pursuant to R. C. 4901.16.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its Motion for Protective Order to Protect the Confidentiality of the Attachments to the Direct Testimony of Donald H. Denton, III by making a determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,  
Duke Energy Ohio



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