

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for an Increase in Gas) Case No. 07-589-GA-AIR
Rates.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval of an) Case No. 07-590-GA-ALT
Alternative Rate Plan for its Gas)
Distribution Service.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval to Change) Case No. 07-591-GA-AAM
Accounting Methods.)

**DUKE ENERGY OHIO, INC.'S
MOTION TO CONTINUE THE PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN
ATTACHMENT MGS-1 TO THE DIRECT TESTIMONY OF
MATTHEW G. SMITH**

Duke Energy Ohio, Inc. (Duke Energy Ohio) hereby moves this honorable Commission for leave to continue to keep under seal certain information contained in its Attachment MGS-1 to the Direct Testimony of Matthew G. Smith. Duke Energy Ohio sets forth in the attached Memorandum in Support its reasons why continued confidential treatment of this information is necessary.

MEMORANDUM IN SUPPORT

Duke Energy Ohio respectfully requests that the Commission (“Commission”) grant its Motion to Continue the Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith. On May 28, 2008, the Commission approved the Motion for Protective Order for a period of 18 months from the date of the Order. The Protective Order is due to expire on November 28, 2009.

This confidential trade secret information contains proprietary pricing information from vendors for equipment for Duke Energy Ohio’s Utility of the Future program. This information is proprietary to the vendors. This pricing information is still currently significant to the Company’s business development and still market sensitive.

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.¹ This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.²

Duke Energy Ohio has filed 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) in its original request on February 21, 2008.

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

¹ OHIO ADMIN. CODE § 4901-1-24 (Anderson 2003)

² *Id.*

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 secrets, 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 to Continue the Protective Order to Protect the Confidentiality of Attachment MGS-1 to the Direct Testimony of Matthew G. Smith by making a continuing determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

/s/ Elizabeth H. Watts

Elizabeth H. Watts
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion of Duke Energy Ohio to Continue the Confidential Treatment was served on the following parties this th day of September, 2009 by regular U. S. Mail, overnight delivery or electronic delivery.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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Summary: Motion to Continue Protective Order electronically filed by Anita M Schafer on behalf of Ms. Elizabeth H. Watts