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Anita M. Schafer
Sr. Paralegal

VIA OVERNIGHT MAIL

December 8, 2009

Public Utilities Commission of Ohio
Docketing Division
11th Floor
180 East Broad Street
Columbus, OH 43215-3716


Re: Case No. 07-⁷²³1723-EL-UNC

Dear Sir or Madam:

Enclosed please find an original and 17 copies of the Motion for Continuation of Protective Order in the above-referenced case.

Please return two file-stamped copies to me in the overnight mail envelope provided.

Sincerely,


Anita M. Schafer
Senior Paralegal

AMS/bsc

cc: All parties of record (w/encl.)

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician DL Date Processed 12/9/09

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|------------------------|
| In the Matter of the Commission's Review |) | |
| And Adjustment of the Fuel and Purchased |) | |
| Power and System Reliability Tracker |) | Case No. 07-723-EL-UNC |
| Components of Duke Energy Ohio, Inc. |) | |
| and Related Matters |) | |

| | | |
|--|---|------------------------|
| In the Matter of the Application of |) | |
| Duke Energy Ohio, Inc. to Adjust and Set its |) | Case No. 07-975-EL-UNC |
| 2008 System Reliability Tracker |) | |

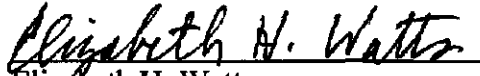
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**DUKE ENERGY OHIO, INC.'S
MOTION FOR CONTINUATION OF THE PROTECTIVE ORDER TO PROTECT THE
CONFIDENTIALITY OF INFORMATION CONTAINED IN ITS APPLICATION AND
THE INFORMATION CONTAINED IN THE DOCUMENT TITLED
"MANAGEMENT/PERFORMANCE AUDIT AND FINANCIAL AUDIT DUKE
ENERGY OHIO CASE NO. 07-723-EL-UNC"**

On September 4, 2007, Duke Energy Ohio, Inc. (Duke Energy Ohio) filed its Application for an adjustment in its Fuel and Purchased Power and System Reliability Tracker cases. Along with the application was a motion for confidential treatment of portions of those applications. On October 31, 2007 a motion for confidential treatment was filed to protect the confidentiality of information filed in the Management/Performance Audit document. Both of those motions for protective treatment were granted in the Entry of August 4, 2008. By this motion, Duke Energy Ohio seeks to continue the Order issued on August 4, 2008, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that the Commission continue the Order issued on August 4, 2008 to indicate that this data, filed under

seal, should be maintained at the Commission in a separate file which has restricted access.

Respectfully submitted,

A handwritten signature in cursive script, reading "Elizabeth H. Watts", is written over a horizontal line.

Elizabeth H. Watts

Assistant General Counsel

Duke Energy Business Services Inc.

39 East Fourth Street

Rm 2500 Atrium II

P.O. Box 960

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MEMORANDUM IN SUPPORT

In support of the Application which was filed, Duke Energy Ohio, Inc. (Duke Energy Ohio) attached documents, including Schedule A and B, both of which contain highly confidential trade secret information. Duke Energy Ohio also filed its annual application for a review of the Company's previous quarterly charges for its Rider System Reliability Tracker (Rider SRT). The information contained in and supporting the aforementioned filings and accompanying testimony is interrelated and identical.

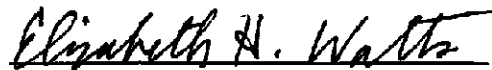
Specifically, Schedule A presents estimated 2007-2008 sales and demand in kW/kWh and rates and revenue. Schedule B describes Duke Energy Ohio's proposed Resource Plan, including the type and cost of various proposed supply-side power purchase options, Duke Energy Ohio's existing capacity position, forecasted demand for native load consumers, and supply requirements necessary for the provision of a 15% reserve margin in the competitive retail and wholesale electric markets. This confidential trade secret information, if publicly disclosed, would give Duke Energy Ohio's competitors access to competitively sensitive, confidential information, which in turn could allow the competitors to make offers to sell wholesale power at higher prices than the competitors might offer in the absence of such information and to the detriment of Duke Energy Ohio and its customers. This is true even with the passing of time as a competitor could still learn much information from the filing that would facilitate anticompetitive conduct.

The Management/Performance Audit Report that was filed contains confidential trade secret information. Specifically, the Report describes Duke Energy Ohio's fuel procurement strategy, emission allowance strategy, coal contract information, purchased power information, generation information, and general business strategy. This confidential trade secret information, if publicly disclosed, would give Duke Energy Ohio's competitors access to competitively

sensitive, confidential information, which in turn could allow the competitors to make offers to sell coal, etc. at anticompetitive prices to the detriment of Duke Energy Ohio and its customers.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), continue the protection provided by its Entry of August 4, 2008 and that the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Continuation of Protective Order was sent by first class US Mail to all parties of record and listed below this 8th day of December, 2009.


Elizabeth H. Watts

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