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BEFORE


THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the 2010 Long-Term)
Forecast Report of Duke Energy Ohio, Inc.) Case No. 10-503-EL-FOR

**SECOND AMENDED MOTION OF DUKE ENERGY OHIO, INC. FOR PROTECTIVE
ORDER TO PROTECT CONFIDENTIALITY OF INFORMATION CONTAINED
WITHIN ITS LONG-TERM FORECAST AND RESOURCE PLAN**

Now comes Duke Energy Ohio, Inc. and submits this amended motion for a protective order to protect the confidentiality of one page of information contained within its Amended Long-Term Forecast and Resource Plan. Reasons for this motion are set forth more fully in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) submitted an application for approval of its Long-Term Forecast and Resource Plan in compliance with Ohio Administrative Code 4901:5-1-02 on June 15, 2010. Subsequently, motions to intervene were filed by The Office of the Ohio Consumers' Counsel, Ohio Environmental Council, Ohio Environmental Law & Policy Center, The Sierra Club, The National Resources Defense Council, The Solar Alliance, and the Mid-Atlantic Renewable Energy Coalition.

A prehearing conference was held on July 28, 2010, wherein a procedural schedule was discussed. The procedural schedule issued by the Attorney Examiner on August 12, 2010 contemplated a technical conference on August 17, 2010, a public hearing on September 13, 2010, and an evidentiary hearing on November 8, 2010. The technical conference occurred on the date set by the Attorney Examiner and parties were afforded an opportunity to pose questions as needed. The public hearing was held on September 13, 2010 and members of the public appeared and testified.

At the prehearing conference held on July 28, 2010 and again at the public hearing held on September 13, 2010, the Attorney Examiner directed counsel for Duke Energy Ohio to provide a more concise motion for protective order to clarify precisely which information requires protection and what protection is being sought. Duke Energy Ohio submitted its amended motion for protective order and an amended Long Term Forecast and Resource Plan on October 7, 2010. In the Long Term Forecast and Resource Plan, the Company submitted public versions of the material which were redacted to protect proprietary and trade secret information. One of the pages that was redacted should have been provided in unredacted form to those

parties that have signed agreements to maintain confidentiality. Unfortunately, the page contained redactions even in the confidential version of the filings. The unredacted page is submitted under seal with this motion and Duke Energy Ohio respectfully moves the Commission to grant this one page the same confidentiality sought under the Amended Motion and Memorandum in Support of Duke Energy Ohio, Inc. for Protective Order

Information redacted from the page included herein includes cost information provided by third parties which is proprietary to those parties and which contains the parties' intellectual property and work product. The information is related to costs incurred in constructing nuclear power plants. This information was collated by the Company in conjunction with other parties and in collaboration with consultant services. The information is not generally known to and not readily ascertainable by others by proper means, and it has been protected by Duke Energy Ohio as proprietary and trade secret. Parties obtaining this data could use it to competitive advantage.

Ohio Administrative Code Rule 4901-1-24(D) allows Duke Energy Ohio to seek leave of the Commission to file information considered to be proprietary and trade secret information, or otherwise confidential, in a redacted and non-redacted form under seal. The redacted information contained on the four pages in the Resource Plan constitutes trade secret information in accordance with Ohio's Uniform Trade Secret Act and relevant jurisprudence.

The definition of trade secret contained in Revised Code 1333.61(D) is as follows:

"Trade secret" means information, including the whole or any portion of phase of any scientific or technical information, design, process, procedure, formula, patter, compilation, program, device, method, technique, or improvement, or any business information or plans, financial

information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

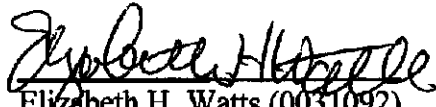
- (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The information that Duke Energy Ohio seeks to protect in this one additional page described above includes business information that derives independent economic value, actual or potential, from not being generally known to or ascertainable by other persons, who could obtain economic value from its disclosure. Duke Energy Ohio retains this information confidentially and does not disclose it other than under arrangements that will maintain its confidentiality.

The public interest is served by granting this motion. Parties to the case who have entered into confidentiality agreements have access to the information. Protecting the confidentiality of the information will prevent undue harm to Duke Energy Ohio and its ratepayers, as well as ensuring a sound competitive marketplace.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Rule 4901-1-24(D), grant its motion for a protective order by making a determination that the confidential material contained on four pages of the report be designated as confidential, proprietary and trade secret under R.C. 4901.16 and 1333.61.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth H. Watts", written over a horizontal line.

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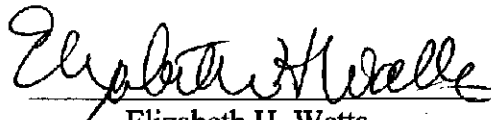
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Certificate of Service

I hereby certify that a true and accurate copy of the foregoing has been served upon the following parties via electronic mail this 21st day of October, 2010.


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