

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 various dates during the proceedings in the above-captioned cases, the parties have filed numerous documents along with motions for protective orders. In part, some of the documents, or portions thereof, have been determined to constitute trade secrets, and have been granted protective status.
- (2) On June 1, 2009, the attorney examiner issued an entry establishing a procedure to allow the Commission to modify the existing protective order in these cases to ensure that any of the redacted information, no longer considered as confidential, should be a part of the public record. In part, the parties were directed to file in the public docket all documents that they believed should be made public or how the protective order should be modified.
- (3) On June 22, 2009, and August 17, 2009, Duke Energy-Ohio (Duke) filed documents in the public record of these cases, some of which contained redactions, in accordance with the Commission's procedures established in the June 1, 2009 entry. No parties filed responses to Duke's filings.
- (4) On November 12, 2010, Duke filed a motion to extend the protective order regarding documents filed June 22, 2009,

and August 17, 2009. Duke states that it has complied with the procedures established in these cases regarding the treatment of protected materials. Duke claims that the information that remains protected in these cases consists almost entirely, if not entirely, of customer account numbers and that account numbers have independent economic value from not being generally known or readily ascertainable and that they have been and remain the subject of efforts that are reasonable to preserve their secrecy. Duke also contends that such information has traditionally been protected from public disclosure by the Commission. Duke requests that the current protective order be extended for an additional 48 months, if not longer.

- (5) Prior to ruling on Duke's motion for an extension of the protective order, the attorney examiner believes that there needs to be a specific identification of the documents Duke believes should remain subject to a protective order. This will ensure that only those documents that are currently subject to the Commission's protective order are appropriately protected and those documents that should no longer be protected are made part of the public record. Accordingly, by November 30, 2010, Duke should identify, by Commission stamped page number, any documents currently subject to the protective order in the above-captioned cases that it believes should remain subject to the protective order by the Commission. Duke should explain for any page which contains a redaction other than a customer account number, why that redacted information should continue to be held as protected by the Commission. Any document that is currently subject to the protective order in these cases but is not identified by Duke will be considered by the Commission as no longer subject to the protective order and will be released to the public record. Any party may file a responsive pleading within seven days of Duke's filing.

It is, therefore,

ORDERED, That Duke follow the procedures set forth in finding 5. 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: Scott Farkas
Attorney Examiner

gef/sc

Entered in the Journal

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Renee J. Jenkins
Secretary