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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Duke )  
Energy Ohio, Inc. to Establish its Fuel and )  
Purchased Power Component of its Market- )  
Based Standard Service Offer for the Period )  
of July 7, 2007, through December 31, 2008 )

Case No. 07-974-EL-UNC

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In the Matter of the Application of )  
Duke Energy Ohio, Inc. to Establish its )  
2008 System Reliability Tracker of its )  
Market-Based Standard Service Offer )

Case No. 07-975-EL-UNC

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**DUKE ENERGY OHIO, INC.'S  
MOTION FOR CONTINUATION OF THE PROTECTIVE ORDER TO PROTECT THE  
CONFIDENTIALITY OF INFORMATION CONTAINED IN THE DOCUMENT  
TITLED "MANAGEMENT/PERFORMANCE AUDIT AND FINANCIAL AUDIT DUKE  
ENERGY OHIO CASE NO. 07-974-EL-UNC, et al."**

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On September 4, 2007, Duke Energy Ohio, Inc. (Duke Energy Ohio) filed an Application to adjust its Fuel and Purchased Power and System Reliability Rider (FPP-SRT). On May 15, 2009 a motion for confidential treatment was filed to protect the confidentiality of information filed in the Management/Performance Audit document. The motion for protective treatment was granted in the Entry of July 7, 2009. By this motion, Duke Energy Ohio seeks to continue the Order issued on July 7, 2009, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that the Commission continue the Order issued on July 7, 2009 to indicate that this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access.

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Technician SMB Date Processed 11/23/10

Respectfully submitted,

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

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## **MEMORANDUM IN SUPPORT**

Duke Energy Ohio respectfully requests the Public Utilities Commission of Ohio (Commission) grant its Motion to Continue to Protect the Confidentiality of Information Contained in the Report.

Duke Energy Ohio is an Ohio corporation with its principal office in Cincinnati, Ohio. Duke Energy Ohio has the corporate power and authority, among others, to engage, and it is engaged, in the business of supplying electric distribution service to the public in the State of Ohio. Accordingly, Duke Energy Ohio is a public utility within the meaning of that term as used in R. C. 4905.02 and 4905.03. As such, Duke Energy Ohio is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Ohio.

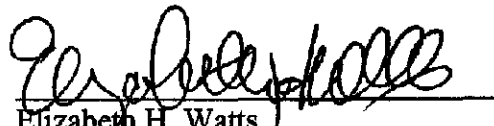
Duke Energy Ohio owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric distribution service over 660,000 customers in southwestern Ohio.

On January 21, 2009, an Entry was issued which caused the selection of Liberty Consulting Group as the auditor for the FPP and SRT audits for the period of July 1, 2007 through December 31, 2008. It is the FPP and the SRT for the period of July 1, 2007 through December 31, 2008 that is the subject matter of the Report. This Report (The Management/Performance Audit Report) 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 higher prices than the competitors might offer in the absence of such information and to the detriment of Duke Energy Ohio and its customers.

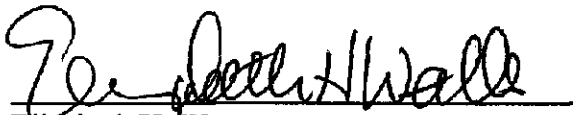
WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), continue the protection provided by its Entry of July 7, 2009d that the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

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 22 day of November, 2010.

  
Elizabeth H. Watts

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