

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The attorney examiner finds:

- (1) On March 25, 2010, the Commission initiated this case, involving the electric long-term forecast report (LTFR) of Duke Energy Ohio, Inc. (Duke).
- (2) On March 14, 2011, the Natural Resources Defense Council and Sierra Club (NRDC) filed a 13-page document consisting of the direct testimony of Peter Lanzalotta, as well as a 43-page document consisting of two repeated copies of the direct testimony of Mr. Lanzalotta accompanied by several exhibits, including exhibit PJL-3. Neither of the documents containing the direct testimony of Mr. Lanzalotta were accompanied by a motion for protective order.
- (3) Pursuant to entry issued January 25, 2011, an evidentiary hearing was held on March 21, 2011. At the hearing, Duke moved for protective orders for portions of Mr. Lanzalotta's and David Schlissel's direct testimony filed by NRDC that Duke asserted contained confidential trade secret information of Duke, as well as exhibit PJL-3. The attorney examiner granted Duke's motions for protective order.
- (4) Thereafter, on March 25, 2011, NRDC filed a motion for protective order for portions of Mr. Lanzalotta's and Mr. Schlissel's direct testimony and to correct the public docket regarding the filings. NRDC indicated that there was a redacted public version and unredacted confidential version of Mr. Lanzalotta's testimony. Further, NRDC indicated that the unredacted confidential version of Mr. Lanzalotta's testimony appeared in the public docket twice, in the 13-page document filed on March 14, 2011, and in the 43-page document as the second copy of the direct testimony of Mr. Lanzalotta filed on March 14, 2011.

- (5) As the portions of Mr. LanzaLotta's and Mr. Schlissel's testimony at issue have already been granted protection, the attorney examiner finds that this portion of NRDC's motion is moot. However, as to the portion of NRDC's motion requesting removal of confidential information from the public docket, the attorney examiner finds that NRDC's motion should be granted. Consequently, docketing is directed to remove and treat as confidential the March 14, 2011, filings of NRDC consisting of the 13-page document containing the direct testimony of Mr. LanzaLotta, as well as the second copy of the direct testimony of Mr. LanzaLotta filed within the 43-page document.

Rule 4901-1-24(F), Ohio Administrative Code, provides that protective orders automatically expire after 18 months and requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If Duke wishes to extend this confidential treatment, it should file an appropriate motion at least 45 days in advance of the expiration date. If no such motion to extend confidential treatment is filed, the Commission may release this information without prior notice to Duke.

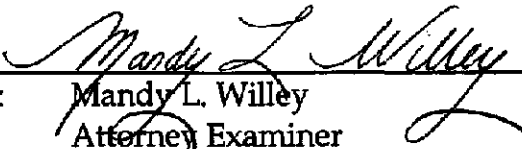
It is, therefore,

ORDERED, That the portion of NRDC's motion requesting removal of confidential information from the docket be granted. It is, further,

ORDERED, That docketing remove and treat as confidential the unredacted confidential versions of Peter LanzaLotta's testimony from the public docket as set forth in finding (5). It is, further,

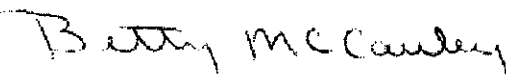
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Mandy L. Willey
Attorney Examiner

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Entered in the Journal
APR 04 2011


Betty McCauley
Secretary