

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. to Establish its Fuel and	)	Case No. 07-974-EL-UNC
Purchased Power Component of its Market-	)	
Based Standard Service Office for the Period	)	
of July 1, 2007, through December 31, 2008.	)	

In the Matter of the Application of Duke	)	
Energy Ohio, Inc. to Establish its 2008	)	
System Reliability Tracker of its Market-	)	Case No. 07-975-EL-UNC
Based Standard Service Offer.	)	

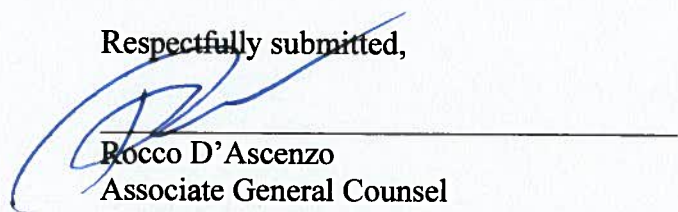
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**DUKE ENERGY OHIO, INC'S MOTION FOR CONTINUATION OF THE  
PROTECTIVE ORDER TO PROTECT THE CONFIDENTIALITY OF  
INFORMATION CONTAINED IN THE DOCUMENT TITLED  
"MANAGEMENT/PERFORMANCE AUDIT AND FINANCIAL AUDIT DUKE  
ENERGY OHIO CASE NO. 07-974-EL-UNC,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

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Duke Energy Ohio, Inc., (Duke Energy Ohio) hereby moves this Honorable Commission for leave to file under seal certain information contained in the document titled "Management/Performance Audit and Financial Audit Duke Energy Ohio Case No. 07-974-EL-UNC, et al." (Report). The motion for protective treatment was granted in the Entry of May 19, 2010. By this motion, Duke Energy Ohio seeks to continue the Order issued on May 19, 2010, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that the Commission continue the Order issued on May 19, 2010 to indicate that this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access.

Respectfully submitted,



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**DUKE ENERGY OHIO'S MEMORANDUM IN SUPPORT OF ITS MOTION  
FOR PROTECTIVE ORDER 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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Duke Energy Ohio respectfully requests that the Public Utilities Commission of Ohio (Commission) grant its Motion for Protective Order 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 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 information continues to be relevant to the operation of Duke Energy Ohio's generation fleet, now fully in the competitive market under its new electric security plan. As per the terms of its electric security plan approved in Case No 11-3549-EL-SSO *et al.*, this fleet, including the various supply contracts, is in the process of being transferred to a competitive affiliate. The information discussed in the Report describes the terms and conditions of coal contracts including pricing, many of which continue to be in effect. The Report further describes the business strategy of the generation fleet that is now competing against other commercial generators in the wholesale and retail generation markets in Ohio and elsewhere.

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 suppliers to make offers to sell coal, and competitors to offer power etc. at prices other than they might offer in the absence of such information and to the detriment of Duke Energy Ohio and its customers. The release of this confidential information will put Duke Energy Ohio's generation fleet at a commercial disadvantage to that of its Ohio competitors. Duke Energy Ohio does not have access to similar information regarding the operational strategies and fuel supply costs of its competitors. And the release of such information in and of itself undermines fair competition in the market place.

WHEREFORE, DE-Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), grant its Motion for 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." by making a determination that the  
Confidential Material is confidential, proprietary and a trade secret under R. C. 4901.16  
and 1333.61.

Respectfully submitted,



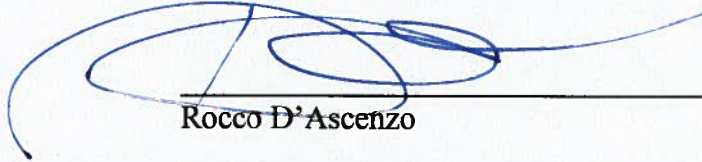
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion for Protective Order was sent by first class US Mail to all parties of record and listed below this 15<sup>th</sup> day of August, 2012.

  
Rocco D'Ascenzo

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 07-0974-EL-UNC, 07-0975-EL-UNC**

Summary: Motion for Continuation of the Protective Order electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Rocco D'Ascenzo