

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

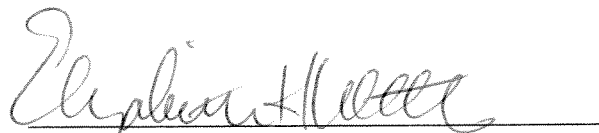
**MOTION FOR CONTINUATION OF PROTECTIVE ORDER
OF DUKE ENERGY OHIO, INC.**

On June 15, 2010, Duke Energy Ohio, Inc. (Duke Energy Ohio) submitted its 2010 Long Term Forecast and Resource Plan. Along with that document, Duke Energy Ohio submitted a Motion for Protective Order also on June 15, 2010. On October 7, 2010, Duke Energy Ohio submitted the "Duke Energy Ohio, Inc. Revised 2010 Electric Long-Term Forecast Report and Resource Plan". On October 7, 2010, an amended motion for confidential treatment was filed to protect the confidentiality of information filed in it's the Revised 2010 Long-Term Forecast Report and Resource Plan. A second amended motion for confidential treatment was filed on October 21, 2010. Both the Amended Motion and the Second Amended Motion for protective treatment was granted in the Entry of October 21, 2010. On February 11, 2011, Duke Energy Ohio submitted a Revised Section IV – Duke Energy Ohio 2010 Resource Plan. At the hearing on this matter on September 13, 2011, the Commission granted protected treatment with regard to information contained in the Revised Section IV – Duke Energy Ohio 2010 Resource Plan filed by the Company on February 11, 2011 and the testimony of Natural Resources Defense Council (NRDC) witnesses David Schlissel and Peter Lanzalotta that had been filed

under seal on March 14, 2011. Duke Energy Ohio requests that this Commission continue the Order issued on September 13, 2011 to include the specified data contained on the two pages discussed herein and maintain the data at the Commission in a separate file which has restricted access.

Moreover, Duke Energy Ohio also notes that, in this same proceeding, the Commission has issued other protective orders, with a different expiration date than that discussed in this motion. For the sake of administrative efficiency, Duke Energy Ohio would respectfully request that the timing of all related protective orders be adjusted such that they expire and can be considered for renewal at the same time. This would conserve regulatory resources and expedite the process for the Commission, the Company, and the Interveners.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rocco D'Ascenzo", is written over a horizontal line.

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MEMORANDUM IN SUPPORT

Duke Energy Ohio, Inc. (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 its Revised Section IV – Duke Energy Ohio 2010 Resource Plan submitted on February 11, 2011.

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 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.

A hearing on the Company's Long Term Forecast and Resource Plan was held on September 13, 2010. At the hearing the Parties submitted a Stipulation and Recommendation for the Commission's approval. Also, the Commission granted protected treatment with regard to information contained in the Revised Section IV – Duke Energy Ohio 2010 Resource Plan filed by the Company on February 11, 2011 and the testimony of Natural Resources Defense Council (NRDC) witnesses David Schlissel and Peter Lanzaotta that had been filed under seal on March 14, 2011. In the Opinion and Order in this proceeding, the Commission granted confidential treatment to the unredacted versions of the Revised Section IV – Duke Energy Ohio 2010 Resource Plan filed under seal on February 11, 2011 and the unredacted versions of the testimony of David Schlissel and Peter

Lanzalotta filed under seal on March 14, 2011 and April 1, respectively. It is this protective order that Duke Energy Ohio respectfully requests be continued.

Information redacted from pages 9, 18, 27 and 60 deals with proprietary information which was at that time, sensitive for business reasons. Such information, if released publicly, would have affected the market for the sale of generation and was sensitive as it related to employees within Duke Energy Ohio's family of employees. The information related to the retirements of the Beckjord plants on pages 9 and 18, is now information that has been made public by the Company. Therefore the redactions on these two pages are no longer necessary. Likewise, references in the NRDC witnesses's testimony referring to the Beckjord plants need not be protected. Thus, Mr. Schlissel and Mr. Lanzalotta's testimony may be opened entirely. However pages 27 and 60 should continue to be protected as proprietary trade secret.

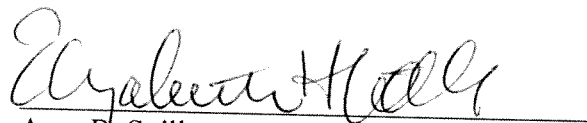
This confidential trade secret information in both instances, if publicly disclosed, would give Duke Energy Ohio's competitors access to competitively sensitive, confidential information that is not ascertainable by others by proper means.

If this information becomes public, Duke Energy Ohio will be placed at a competitive disadvantage, in among other things, reducing its ability to negotiate for new generation. With the information contained in the Report, a competitor could take actions that, in the absence of this information, it would not otherwise take. Such actions might include adjusting its prices, either to win contracts on which Duke Energy Ohio may also be bidding – business the competitors otherwise would not be in a position to win, or to set its prices artificially high to take advantage of an overall short market, the latter action obviously forcing consumers to pay higher prices for power.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Administrative Code Section 4901-1-24(D) continue the protection related only to pages 27 and 60 of the Revised Section IV – Duke Energy Ohio 2010 Resource Plan and that the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Moreover, Duke Energy Ohio also notes that, in this same proceeding, the Commission has issued other protective orders, with a different expiration date than that discussed in this motion. For the sake of administrative efficiency, Duke Energy Ohio would respectfully request that the timing of all related protective orders be adjusted such that they expire and can be considered for renewal at the same time. This would conserve regulatory resources and expedite the process for the Commission, the Company, and the Interveners.

Respectfully submitted,

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

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Duke Energy Ohio's Motion for Continuation of the Protective Order was served on the following parties this 13th day of September, 2012 by regular mail or electronic mail.



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Case No(s). 10-0503-EL-FOR

Summary: Motion Motion for Continuation of Protective Order of Duke Energy Ohio, Inc.
electronically filed by Ms. Elizabeth H Watts on behalf of Duke Energy Ohio, Inc.