

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke
Energy Ohio, Inc. to Establish its Fuel and
Economy Purchased Power Component of its
Market-Based Standard Service Office for
2010.

Case No. 10-974-EL-FAC

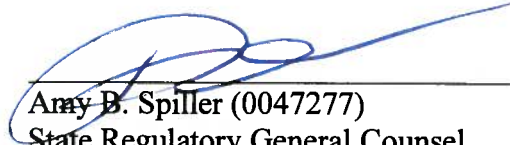
In the Matter of the Application of Duke
Energy Ohio, Inc. to Establish its System
Reliability Tracker of its Market-Based
Standard Service Offer for 2010.

Case No. 10-975-EL-RDR

**DUKE ENERGY OHIO, INC.'S MOTION FOR CONTINUATION OF THE
PROTECTIVE ORDER TO PROTECT THE CONFIDENTIALITY OF
INFORMATION CONTAINED IN THE DOCUMENT ENTITLED
"A MANAGEMENT/PERFORMANCE AND FINANCIAL AUDIT OF THE FUEL
AND PURCHASED POWER AS WELL AS THE SYSTEM RELIABILITY
TRACKER RIDERS OF
DUKE ENERGY OHIO, INC."**

On May 12, 2011, Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) filed the "Management/Performance and Financial Audit of the Fuel and Purchased Power as Well as the System Reliability Tracker Riders of Duke Energy Ohio, Inc." (Audit Report). Also on May 12, 2011, a motion for confidential treatment was filed to protect the confidentiality of information filed in it Application document. The Motion for protective treatment was granted in the Entry of June 1, 2011. By this motion, Duke Energy Ohio seeks to continue the Order issued on June 1, 2011, determining that this information is proprietary and should be treated as confidential. Duke Energy Ohio requests that this Commission continue the Order issued on June 1, 2011 to include this data, filed under seal, and should be maintained at the Commission in a separate file which has restricted access.

Respectfully submitted,



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State Regulatory General Counsel

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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 Application.

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.

Duke Energy Ohio owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric distribution service to over 600,000 customers in southwestern Ohio.

On January 19, 2011, an Entry was issued which caused the selection of Schumaker & Company as the auditor for the FPP and SRT audits for the period of January 1, 2010 through December 31, 2010. It is the FPP and the SRT for the period of January 1, 2010 through December 31, 2010 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.

The confidential material described above, if disclosed, would enable competitors in the wholesale power market to ascertain the manner in which Duke Energy Ohio plans, manages and operates their generating facilities, the fuel purchasing strategy, the purchase power strategy, the emission allowance strategy, the cost associated therewith, and would enable competitors to ascertain Duke Energy Ohio's positions (long and short) with respect to electric generation capabilities. Further, the competitively sensitive

information will provide power marketing competitors with knowledge that will allow them to potentially manipulate the marketplace so as to unnecessarily cause consumers to pay more for electricity than they otherwise would.

If this information becomes public, Duke Energy Ohio will be placed at a competitive disadvantage, in among other things, reducing its ability to negotiate contracts for fuel. 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 using this information to the disadvantage of Duke Energy Ohio.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Administrative Code Section 4901-1-24(D) continue the protection by its Entry of June 1, 2011 and the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Amy B. Spiller', 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 16th day of October, 2012 by electronic mail delivery.



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Case No(s). 10-0974-EL-FAC, 10-0975-EL-RDR

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