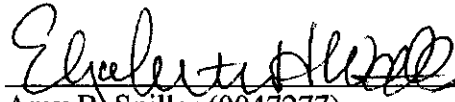


Respectfully submitted,

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

Amy B. Spiller (0047277)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Assistant General Counsel

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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 Protect the Confidentiality of Information related to the average costs data for renewable energy credits used to comply with 2011 Alternative Energy Portfolio requirements.

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.

O.A.C. 4901-1-24(D) provides that the Commission or its attorney examiners may issue a protective order to assure the confidentiality of information contained in filed documents, to the extent that state or federal law prohibits the release of the information, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

The Commission, therefore, generally refers to the requirements of R.C. 1333.61 for a determination of whether specific information should be released or treated confidentially. Subsection (D) of that section defines “trade secret” as follows:

“Trade secret” means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, **or any business information or plans, financial information**, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.¹

Thus, business information or plans and financial information are trade secrets if they derive independent economic value from not being generally known to or ascertainable by others who can obtain their own value from use of the information and they are the subject of reasonable efforts to maintain their secrecy.

Information related to Duke Energy Ohio's average costs for acquiring renewable energy credits deals with proprietary information which is sensitive for business reasons. Such information, if released publicly, would have affected the market for the sale of renewable energy credits. The Company takes steps, internally to ensure that this information is not disclosed to anyone who does not have a business need to know the material. Externally, the Company does not disclose this forecasted information other than under the terms of appropriate protective devices, such as confidentiality agreements.

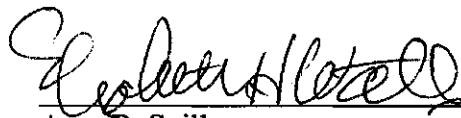
This information derives actual, independent economic value to the Company as a result of its not being generally known or readily ascertainable by other persons who could use it to affect the market prices and availability of renewable energy credits in the market. Public disclosure of this information could have a real effect on the financial position of Duke Energy Ohio. Duke Energy Ohio attempts to ensure that this market information remains secret, both internally and externally.

¹ R.C. 1333.61(emphasis added).

O.A.C. 4901-1-24(D) allows Duke Energy Ohio to seek leave of the Commission to file information Duke Energy Ohio considers to be proprietary trade secret information, or otherwise confidential, in a redacted and non-redacted form, under seal.² Duke Energy Ohio is filing the information in unredacted form, under seal, together with this Motion.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to O.A.C. 4901-1-24(D), grant its Motion for Protective Order by making a determination that the redacted information is confidential, proprietary, and a trade secret under R. C. 1333.61.

Respectfully submitted,



Amy/B. Spiller
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Phone (614) 222-1331

² Ohio Admin. Code Rule 4901-1-24.



Oct. 29, 2012

Public Utilities Commission of Ohio
Docketing Division
180 East Broad St.
Columbus, OH
43215

Re: Case No. 12-2668-EL-ACP - Response from Duke Energy Ohio, Inc.

In response to the request from the Public Utilities Commission of Ohio, for cost data associated with Renewable Energy Credits (RECs) to be retired for the 2011 compliance year, the average costs by individual REC category are as follows:

Category	\$/REC (average)
Ohio Solar	\$ [REDACTED]
Other Solar	\$ [REDACTED]
Ohio Non-Solar	\$ [REDACTED]
Other Non-solar	\$ [REDACTED]

Respectfully submitted:

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