

In the Matter of the Procurement of :
Standard Service Offer Generation for : Case No. 11-6000-EL-UNC
Customers of Duke Energy Ohio, Inc. :

SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO

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MEMORANDUM IN SUPPORT

In the Commission's December 15, 2011 Finding and Order, the Commission found the information protected from disclosure, and which is the subject of Staff's motion, was "sensitive information which should be deemed confidential and remain under seal."¹ That finding is as true today as it was then. Nothing has diminished the sensitivity, confidentiality, and importance of the information remaining under seal.

Additionally, Staff believes that the continued success of the auctions depends on the protective order's continuation. Any information that could provide an indication of round-by-round bidder behavior or the benchmark pricing that is used for evaluating the outcome of the auction offers competitive advantages and threatens auction success. Such information would include, but not be limited to: the number of round one bidders or bidder/tranche ratios, initial eligibility (numbers of tranches or bidders) at the start of the auction or eligibility/tranche ratios, auction starting price(s), benchmark comparison price computation and range(s), all individual bidder actions during the auction, auction closing steps, near-competitive offer comparisons and discussions, round-by-round price decrements, round-by-round tranches bid, identifications of non-winning bidders, and all discussions of specifically identified individual bidder behaviors during or related to the auction. Release of this type of information could potentially be used by bidders for

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In the Matter of the Procurement of Standard Service Offer Generation for Customers of Duke Energy Ohio, Inc., Case No. 11-6000-EL-UNC (Finding and Order at ¶ 8) (December 15, 2011).

unfair advantage in future auctions, or possibly cause bidders not to participate in future auctions because of the knowledge that their bidding behavior would be made public. In the Notification of CBP Auction Results, such information includes all that remained redacted in the version docketed on January 5, 2012. In the Report of the Commission's Consultant Regarding Duke Energy Ohio's December 2011 Standard Service Auction, such information is interspersed throughout the report. The Consultant recommends the information be kept confidential and Staff believes that the best course of action is for the entire report to remain under seal.

For these reasons, Staff moves the extension of the protective order until further order of the Commission.

Respectfully submitted,

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Ohio Attorney General

William L. Wright
Section Chief

/s/ Stephen A. Reilly _____

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Motion for an Extension of the Protective Order Contained in the Commission's December 15, 2011 Finding and Order**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the following Parties of Record, this 2nd day of May, 2013.

/s/ Stephen A. Reilly

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Summary: Motion for an Extension of the Protective Order Contained in the Commission's December 15, 2011 Finding and Order submitted by Assistant Attorney General Stephen A. Reilly on behalf of the Staff of the Public Utilities Commission of Ohio. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio