

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

The Public Utilities Commission of Ohio Staff moves for an extension of the protective order the Commission issued in its Finding and Order herein dated May 23, 2012. Under the Finding and Order's terms, the protective order expires on November 25, 2013. The information it protects, however, remains sensitive and confidential and that information should remain sealed until further order of the Commission as discussed the attached memorandum in support.

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MEMORANDUM IN SUPPORT

In the Commission's May 23, 2012 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 ¶ 9) (May 23, 2012).

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 June 13, 2012. In the Report of the Commission's Consultant Regarding Duke Energy Ohio's May 2012 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 May 23, 2012 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 on October 8, 2013.

/s/ Stephen A. Reilly

Stephen A. Reilly

Assistant Attorney General

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Case No(s). 11-6000-EL-UNC

Summary: Motion for an Extension of the Protective Order Contained in the Commission's May 23, 2012 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