

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Establish its Fuel and) Case No. 07-974-EL-UNC
Purchased Power Component of its Market-)
Based Standard Service Office for the Period)
of July 1, 2007, through December 31, 2008.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Establish its 2008) Case No. 07-975-EL-UNC
System Reliability Tracker of its Market-)
Based Standard Service Offer.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Establish its Fuel and) Case No. 09-974-EL-FAC
Purchased Power Component of its Market-)
Based Standard Service Office for the Period)
of January 1, 2009 through December 31,)
2009.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Establish its 2008) Case No. 09-975-EL-RDR
System Reliability Tracker of its Market-)
Based Standard Service Offer.)

**JOINT MOTION FOR CONTINUATION OF THE PROTECTIVE ORDER TO
PROTECT THE CONFIDENTIALITY OF INFORMATION CONTAINED IN THE
FILING OF THE MULTI-YEAR BOILER RECOVERY PLAN BY DUKE ENERGY
COMMERCIAL ASSET MANAGEMENT LLC AND DUKE ENERGY BECKJORD
LLC**

Now comes Duke Energy Commercial Asset Management LLC, (DECAM) and Duke Energy Beckjord LLC (Duke Energy Beckjord) and hereby respectfully requests that the Public Utilities Commission of Ohio continue the confidential protection of the multi-year boiler plan submitted in the above-styled proceedings.

On January 28, 2010, Duke Energy Ohio, Inc. (Duke Energy Ohio) filed a Notice of Filing of Multi-Year Boiler Recovery Plan (Plan). Also on January 28, 2010, a motion for confidential treatment was filed to protect the confidentiality of information filed in the Multi-Year Boiler Recovery Plan document. The motion for protective treatment was granted in the Entry of May 19, 2010. On October 3, 2011, a motion for extension of the protective treatment was filed and the motion was granted on January 30, 2012. On June 6, 2013, a motion for extension of the protective treatment was filed but an order has not yet been issued.

Together, DECAM and Duke Energy Beckjord is now or by December 31, 2014, will be owners of the generating assets described in the Plan as a result of the stipulation and recommendation approved in Case No., 11-3549-EL-SSO et al., whereby Duke Energy Ohio agreed to transfer its ownership in certain “legacy” generating assets out of the utility.¹ The Plan at issue describes the current estimated projects, timing, and costs of future outages and capital expenditures at several stations formerly owned by Duke Energy Ohio, but now or soon to be owned and operated by DECAM and Duke Energy Beckjord through 2019.

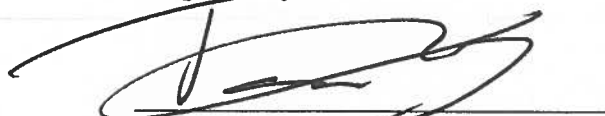
DECAM and Duke Energy Beckjord are now the successors in interest and owners and operators of the plants described in the Plan.² DECAM and Duke Energy Beckjord jointly seek to continue the Order issued on January 30, 2012, determining that the information contained in the Plan is proprietary and should be treated as confidential. DECAM and Duke Energy Beckjord request that the Commission continue the Order issued on January 30, 2012 to indicate

¹ In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service, Case No. 11-3549-EL-SSO, *et al.* Stipulation and Recommendation (October 24, 2011)

² The Plan describes maintenance activities at Miami Fort Station, and Zimmer which are owned by DECAM and Beckjord Station, which will be owned by Duke Energy Beckjord upon completion of the transfer.

that this data, filed under seal, should be maintained at the Commission in a separate file which has restricted access.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

DECAM and Duke Energy Beckjord respectfully requests the Public Utilities Commission of Ohio (Commission) grant their Joint Motion to Continue to Protect the Confidentiality of Information Contained in the Plan.

DECAM and Duke Energy Beckjord are Ohio limited liability corporations with their principal office in Cincinnati, Ohio. DECAM has the corporate power and authority, among

others, to engage, and it is engaged, in the business of supplying electric generation service to the public in the State of Ohio.

DECAM owns, operates, manages and controls plants, properties and equipment used and useful in supplying electric generation service and is authorized by the Federal Energy Regulatory Commission to sell energy, capacity and related products at wholesale. Duke Energy Beckjord is similarly engaged in the business of owning and operating electric generation.

The business operations of both DECAM and Duke Energy Beckjord, will be impacted if the information contained in the Plan is released. The Plan shows estimated capital spend, outage schedules, and maintenance projects at several plants several years into the future. .

This Plan was initially and confidentially filed on January 28, 2010, by Duke Energy Ohio as part of a Stipulation and Recommendation approved in Case No. 07-974-EL-UNC *et al.*, which resolved all issues raised relative to establishing Duke Energy Ohio's Rider PTC-FPP and PTC SRT for the audit period of July 1, 2007, through December 31, 2008. On October 3, 2011 a motion for extension of the protective treatment was filed and the motion was granted on January 30, 2012. Duke Energy Ohio's Plan for its generating assets details the projects by generating unit through 2019. The Plan sets forth the priority of each project, outage duration and estimated cost per project.

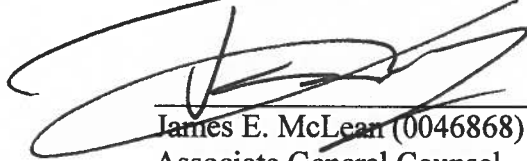
Although Duke Energy Ohio no longer is responsible for the operation and maintenance of the plants listed in the Plan, DECAM and Duke Energy Beckjord have assumed this responsibility by way of of the Commission's Order approving the Stipulation in Case No., 11-3589-EL-SSO whereby Duke Energy Ohio agreed to transfer its interest in the "legacy generating assets" out of the utility. DECAM and Duke Energy Beckjord are the affiliates who have received or are going to receive those assets and as such, have an interest in maintaining the confidential nature of this

sensitive business information. In fact the interests of both DECAM and Duke Energy Beckjord are all the more important as the State of Ohio has fully embraced the notion of a fully competitive market. Indeed, no other non-regulated operator of electric generation in the state is required to have this level of detailed information filed with the Commission. Releasing this information places DECAM and Duke Energy Beckjord at a distinct competitive disadvantage.

This Plan contains confidential trade secret information. Specifically, the Plan describes Duke Energy Beckjord's and DECAM's boiler recovery strategies as contained in the Plan, includes estimated cost of repairs and sensitive outage information including times and duration of outages necessary to effectuate the Plan. This confidential trade secret information, if publicly disclosed, would give Duke Energy Beckjord and DECAM's competitors access to competitively sensitive, confidential information, that in turn could allow the competitors and vendors to take advantage of Duke Energy Beckjord and DECAM. Vendors and competitors would have access to estimated outage timing and costs from which they could manipulate prices for replacement power, equipment and supplies, etc. at higher prices than the competitors or vendors might offer in the absence of such information and to the detriment of Duke Energy Beckjord, DECAM and their respective customers.

WHEREFORE, Duke Energy Beckjord and DECAM respectfully request that the Commission, pursuant to Ohio Admin. Code Section 4901-1-24(D), continue the protection provided by its Entry of January 30, 2012 and that the Confidential Material remain confidential, proprietary and a trade secret under R. C. 4901.16 and 1333.61.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Continuation of Protective Order was sent by first class US Mail or electronically to all parties of record and listed below this 20th day of October, 2014.


James E. McLean

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Case No(s). 09-0974-EL-FAC, 09-0975-EL-RDR, 07-0974-EL-UNC, 07-0975-EL-UNC

Summary: Motion Joint Motion for Continuation of the Protective Order to Protect Confidential Information Contained in the Filing of the Multi-Year Boiler Recovery Plan by Duke Energy Commercial Asset Management LLC and Duke Energy Beckjord LLC electronically filed by Dianne Kuhnell on behalf of Duke Energy Commercial Asset Management, LLC and Duke Energy Beckjord, LLC and McLean, James E.