

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates	)	Case No. 17-0032-EL-AIR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	)	Case No. 17-0033-EL-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods	)	Case No. 17-0034-EL-AAM
	)	

---

**MOTION FOR PROTECTIVE ORDER  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

The Office of the Ohio Consumers' Counsel ("OCC") moves the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential by Duke Energy Ohio, Inc. ("Duke").<sup>1</sup> As part of discovery in this proceeding, Duke provided information to OCC, subject to a protective agreement, and Duke asserts that this information constitutes trade secret information under Ohio law.

OCC hereby requests that, in accordance with Ohio Adm. Code. 4901-1-24, the PUCO issue such order as is necessary to protect the undisclosed portions of the Motion to Compel Responses to Discovery that are asserted to be confidential by Duke. Subject to OCC's rights under the protective agreement, OCC is filing its motion to compel under seal and is also filing a public version that shows all information not claimed by Duke to be confidential.

---

<sup>1</sup> This motion is filed under Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D).

By filing this motion for protective order, OCC does not concede that the information constitutes trade secret information. OCC, however, acknowledges that it has obtained this information pursuant to a protective agreement with Duke that provides for such information to be treated as confidential and protected.

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

*/s/ Christopher Healey*

William J. Michael (0070921)  
Counsel of Record  
Christopher Healey (0086027)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

10 W. Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone [Michael]: 614-466-1291  
Telephone [Healey]: 614-466-9571  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
(Both will accept service via email)

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates	)	Case No. 17-0032-EL-AIR
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval.	)	Case No. 17-0033-EL-ATA
	)	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods	)	Case No. 17-0034-EL-AAM
	)	

---

**MEMORANDUM IN SUPPORT**

---

OCC files this Motion for Protective Order ("Motion") contemporaneously with the filing of its Motion to Compel Responses to Discovery (the "Motion to Compel"). In filing this Motion, OCC does not concede that the information in the Motion to Compel is trade secret information under R.C. 1333.61(D) and does not concede that the information deserves protection from publication under Ohio Adm. Code 4901-1-24(D).

OCC understands that Duke considers the undisclosed information to be confidential and deserving of the protection of trade secret information as defined in R.C. 1333.61(D). Under the assertions made by Duke, at this time, confidential treatment of the redacted information in the Motion to Compel would be appropriate, subject to OCC's right under the protective agreement to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law.

In addition, OCC is filing a public version of the Motion to Compel so that all information not claimed by Duke to be confidential is accessible for the public's review.

The public version does not contain information that was asserted by Duke to be confidential.

For the foregoing reasons and subject to the foregoing reservations of rights, this Motion should be granted at this time.

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

*/s/ Christopher Healey*

William J. Michael (0070921)  
Counsel of Record  
Christopher Healey (0086027)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

10 W. Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone [Michael]: 614-466-1291  
Telephone [Healey]: 614-466-9571  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
(Both will accept service via email)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Protective Order by the Office of the Ohio Consumers' Counsel has been served upon those persons listed below via electronic transmission this 1st day of September 2017.

*/s/ Christopher Healey*  
Christopher Healey  
Assistant Consumers' Counsel

### **SERVICE LIST**

[Steven.beeler@ohioattorneygeneral.gov](mailto:Steven.beeler@ohioattorneygeneral.gov)  
[Robert.eubanks@ohioattorneygeneral.gov](mailto:Robert.eubanks@ohioattorneygeneral.gov)  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)  
[mfleisher@elpc.org](mailto:mfleisher@elpc.org)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)  
[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)  
[mleppla@theOEC.org](mailto:mleppla@theOEC.org)  
[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)  
[rick.sites@ohiohospitals.org](mailto:rick.sites@ohiohospitals.org)  
[dborchers@bricker.com](mailto:dborchers@bricker.com)  
[dparram@bricker.com](mailto:dparram@bricker.com)  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)  
[campbell@whitt-sturtevant.com](mailto:campbell@whitt-sturtevant.com)  
[glover@whitt-sturtevant.com](mailto:glover@whitt-sturtevant.com)

[Amy.spiller@duke-energy.com](mailto:Amy.spiller@duke-energy.com)  
[Jeanne.kingery@duke-energy.com](mailto:Jeanne.kingery@duke-energy.com)  
[Elizabeth.watts@duke-energy.com](mailto:Elizabeth.watts@duke-energy.com)  
[Rocco.dascenzo@duke-energy.com](mailto:Rocco.dascenzo@duke-energy.com)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[eakhbari@bricker.com](mailto:eakhbari@bricker.com)  
[mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)  
[Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)  
[Perko@carpenterlipps.com](mailto:Perko@carpenterlipps.com)  
[mnugent@igsenergy.com](mailto:mnugent@igsenergy.com)  
[swilliams@nrdc.org](mailto:swilliams@nrdc.org)  
[daltman@environlaw.com](mailto:daltman@environlaw.com)  
[jnewman@environlaw.com](mailto:jnewman@environlaw.com)  
[jweber@environlaw.com](mailto:jweber@environlaw.com)

Attorney Examiner:

[Nicholas.walstra@puc.state.oh.us](mailto:Nicholas.walstra@puc.state.oh.us)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/1/2017 9:36:05 AM**

**in**

**Case No(s). 17-0032-EL-AIR, 17-0033-EL-ATA, 17-0034-EL-AAM**

Summary: Motion Motion for Protective Order by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.