

BEFORE

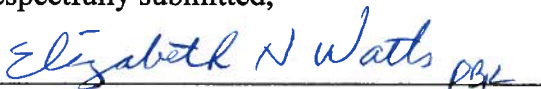
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Long-Term Forecast)
Report and Resource Plan of Duke Energy) Case No. 14-484-EL-FOR
Ohio, Inc.)

MOTION FOR PROTECTIVE ORDER

Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby moves this honorable Commission for leave to file under seal certain information contained in the filing of supplemental information in its long-term forecast report and resource plan (supplemental information). Duke Energy Ohio sets forth in the attached Memorandum in Support its reasons why confidential treatment of certain information contained within this supplemental information is necessary.

Respectfully submitted,



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MEMORADUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

Duke Energy Ohio respectfully requests that the Public Utilities Commission of Ohio (Commission) grant its Motion for Protective Order to protect the confidentiality of supplemental information being filed under seal contemporaneously with this motion.

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 to the public 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.

First, the supplemental information provided under seal with this filing is being withheld from the filing pursuant to O.A.C. 4901:5-5-04(A)¹ because it contains critical energy infrastructure information (CEII). The supplemental information provided in these forms also constitutes “infrastructure information” as that term is used in R.C. 149.433. However, at the request of Staff, the Company is now voluntarily submitting this CEII/infrastructure information to the Commission under seal in expectation of protection from disclosure as provided by R.C. 149.433. To that end, the Commission should enter a protective order prohibiting the disclosure of this information for a minimum of twenty-five years as provided in R.C. 149.43.

¹ “To the extent the information sought from electric transmission owners in this rule contains critical energy infrastructure information, such information shall remain at the reporting person’s premises, but subject to inspection and review at the request of the commission’s staff, unless the commission staff determines it necessary to take possession.” 4901:5-5-04(A), Ohio Administrative Code.

Second, Duke Energy Ohio is filing under seal supplemental information regarding strategic business planning which is clearly related to business relationships and business strategic planning. These references, if disclosed, would provide advantages to competitors and could thereby harm competition as well.

Ohio Administrative Code Rule 4901-1-24(D) allows Duke Energy Ohio to seek leave of the Commission to file information that Duke Energy Ohio considers to be proprietary trade secret information, or otherwise confidential.² This rule also establishes a procedure for presenting to the Commission that information which is confidential, and therefore should be protected.³

The redacted information contained in the Report constitutes trade secret information in accordance with Ohio's Uniform Trade Secret Act and relevant jurisprudence.

The definition of Trade Secret contained in R.C. 1333.61(D) is 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.⁴

² OHIO ADMIN. CODE 4901-1-24 (Anderson 2007).

³ *Id.*

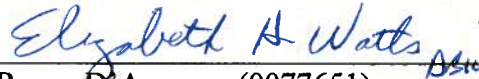
⁴ Ohio Rev. Code Ann. § 1333.61(D) (Baldwin 2007).

The information for which Duke Energy Ohio is seeking confidential treatment is not known outside of Duke Energy Ohio, and it is not disseminated within Duke Energy Ohio except to those employees with a legitimate business need to know and act upon the information.

The public interest will be served by granting this Motion. By protecting the confidentiality of the Report the Commission will prevent undue harm to Duke Energy Ohio and its ratepayers, as well as ensuring a sound competitive marketplace.

WHEREFORE, Duke Energy Ohio respectfully requests that the Commission, pursuant to Ohio Admin. Code Rule 4901-1-24(D), grant its Motion for Protective Order to protect the confidentiality of information contained in this motion for protective order by making a determination that the Confidential Material is confidential, proprietary and a trade secret under R. C. 1333.61.

Respectfully submitted,

Elizabeth A. Watts 

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served on the following parties of record by electronic service, this 15th day of August, 2018.


Elizabeth H. Watts

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Summary: Motion for Protective Order electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.