

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Modify Rider PSR.)))	Case No. 17-0872-EL-RDR
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Amend Rider PSR.)))	Case No. 17-0873-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.)))	Case No. 17-0874-EL-AAM
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-AIR
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.)))	Case No. 17-0034-EL-AAM
In the Matter of the Application of Duke Energy Ohio, Inc. 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. 17-1263-EL-SSO
In the Matter of the Application of Duke Energy Ohio, Inc. for Authority to Amend Its Certified Supplier Tariff, P.U.C.O. No. 20.)))	Case No. 17-1264-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Authority to Defer Vegetation Management Costs.)))	Case No. 17-1265-EL-AAM

CONSERVATION GROUPS' MOTION FOR A PROTECTIVE ORDER

Sierra Club, Ohio Environmental Council, Environmental Law & Policy Center, Environmental Defense Fund, and Natural Resources Defense Council (collectively, "Conservation Groups"), pursuant to Ohio Adm. Code 4901-1-02(E), 4901-1-12 and 4901-1-24(D), hereby move the Public Utilities Commission of Ohio ("PUCO") for a protective order regarding information asserted to be confidential and/or competitively sensitive by Duke Energy Ohio ("Duke" or "Company") and the Ohio Valley Electric Corporation ("OVEC") (collectively "Providing Parties").

As part of discovery in this proceeding, Duke and OVEC provided information to the Conservation Groups, subject to respective protective agreements, and Duke and OVEC assert that this information is confidential and/or competitively sensitive under Ohio law. The Conservation Groups' Post Hearing Brief Regarding Rider PSR ("Initial Brief") discusses information that is deemed by the Providing Parties to be confidential. The Conservation Groups request that, in accordance with Ohio Adm. Code. 4901-1-02(E), the PUCO issue such order as is necessary to protect portions of the Conservation's Groups Initial Brief that contains information that is asserted to be confidential and/or competitively sensitive by the Providing Parties. Subject to the Conservation Groups' rights under the protective agreement, they are filing a portion of the Initial Brief under seal.

By filing this Motion, the Conservation Groups do not concede that the information is confidential and/or competitively sensitive. However, the Conservation Groups acknowledge that they have obtained this information under protective agreements with the Providing Parties. Those protective agreements provide for such information to be treated as confidential and/or

competitively sensitive and protected (subject to the Conservation Groups' right to initiate a process for the PUCO to rule whether the information deserves confidential treatment under Ohio law). The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Robert Dove

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MEMORANDUM IN SUPPORT

The Conservation Groups file this Motion for Protective Order (“Motion”) contemporaneously with the filing of their Initial Brief under seal. The Conservation Groups understands that the Providing Parties consider some of the undisclosed information to be confidential and/or competitively sensitive and deserving of protection under Ohio law. The Conservation Groups’ understanding is based on claims by the Providing Parties that some of the information (1) derives economic value, actual or potential, from not being known to, and not being readily ascertainable by proper means by others, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *See* R.C. 1333.61(D).

In filing this Motion, the Conservation Groups do not concede that any of the information in their Initial Brief is trade secret information under R.C. 1333.61(D). Nor do the Conservation Groups concede that any of the information is deserving of protection from public disclosure under Ohio Adm. Code 4901-1-24(D). Under the assertions made by the Providing Parties, at this time, confidential treatment of some of the information contained in the Initial Brief could be appropriate, subject to the Conservations Groups’ rights under its respective protective agreements with the Providing Parties to initiate a process to determine whether the information should be protected.

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

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Respectfully submitted,

/s/ Robert Dove

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for a Protective Order and Memorandum in Support have been served via electronic mail upon the following counsel of record, this 11th day of September, 2018:

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Summary: Motion for a Protective Order for Conservation Groups' Initial Brief Regarding Rider PSR electronically filed by Mr. Robert Dove on behalf of Sierra Club and Natural Resources Defense Council and Environmental Defense Fund and Environmental Law and Policy Center and Ohio Environmental Council