

**BEFORE THE PUBLIC
UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Duke)
Energy Ohio, Inc.'s Alternative Energy) Case No. 15-1854-EL-RDR
Recovery Rider for the Period January 1,)
2016, through to December 31, 2016.

**DUKE ENERGY OHIO, INC.'S MOTION FOR LEAVE TO FILE
INSTANTER A MOTION TO EXTEND PROTECTIVE ORDER
AND MEMORANDUM IN SUPPORT**

Pursuant of O.A.C. 4901:1-24(F), a party wishing to extend a protective order beyond twenty-four months must file an appropriate motion at least forty-five days in advance of the expiration date of the existing order.

Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company) hereby respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to file *instanter* its motion to extend the protective order covering the confidential information in the *Management/Performance Audit of the Alternative Energy Resources Recovery Rider of Duke Energy Ohio, Inc.* filed in the case. The reasons supporting the Company's Motion for Leave to File *Instanter* (Motion) are set forth in the attached memorandum.

Respectfully submitted,

/s/ Rocco D'Ascenzo

Rocco D'Ascenzo (0077651)

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MEMORANDUM IN SUPPORT

On January 25, 2018, Duke Energy Ohio was granted protection for the confidential information contained in *Management/ Performance Audit of the Alternative Energy Resources Recovery Rider of Duke Energy Ohio, Inc.* filed concurrently on May 2, 2017¹.

Pursuant to O.A.C. 4901:1-24(F), a party wishing to extend a protective order beyond twenty-four months must file an appropriate motion at least forty-five days in advance of the expiration date of the existing order. Contemporaneous with this Motion, Duke Energy Ohio has filed a Motion to Extend the Protective Order, as was affirmed on April 16, 2014. The Company did not, however, file the motion no later than forty-five days prior to January 25, 2020, which would have been December 10, 2019, thus respectfully requests the permission to file said motion *instanter*.

Duke Energy Ohio submits that the absence of a filed motion to extend confidential treatment by December 10, 2019, was due to inadvertence and not because Duke Energy Ohio felt that the information at issue was no long deserving of confidential treatment. To the contrary, the Confidential Information at issue is the type of information that Duke Energy Ohio routinely guards and protects as confidential and, if disclosed, would unfairly position Duke Energy Ohio vis-à-vis competitors and counterparties.

The Company further asserts that no party will be negatively impacted if the Commission determines it is proper to grants its Motion for Leave to File *Instanter*, as no party has requested copies of the information in an unredacted form, and the information remains confidential, even though the Motion is being submitted at this time. Interested parties may still file responsive pleadings and thus a complete record as to this request may still be developed. Accordingly, the

¹ Finding and Order (May 2, 2017).

Company respectfully requests that the Commission grant its Motion for Leave to File *Instantly* its Motion to Extend the Protective Order.

Respectfully submitted,

/s/ Rocco D'Ascenzo

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic delivery this 9th day of September 2020 to the following:

/s/ Rocco D'Ascenzo
Rocco D'Ascenzo

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Case No(s). 15-1854-EL-RDR

Summary: Motion Duke Energy Ohio, Inc. Motion For Leave To File Instant A Motion To Extend Protective Order and Memorandum in Support electronically filed by Mrs. Tammy M Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Vaysman, Larisa