

APRIL 26, 2017

INDIANA UTILITY

REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF DUKE ENERGY INDIANA,)
 LLC FOR APPROVAL OF A CHANGE IN ITS)
 FUEL COST ADJUSTMENT FOR ELECTRIC)
 SERVICE, FOR APPROVAL OF A CHANGE IN)
 ITS FUEL COST ADJUSTMENT FOR HIGH)
 PRESSURE STEAM SERVICE, AND TO)
 UPDATE MONTHLY BENCHMARKS FOR)
 CALCULATION OF PURCHASED POWER)
 COSTS IN ACCORDANCE WITH INDIANA)
 CODE §8-1-2-42, INDIANA CODE §8-1-2-42.3)
 AND VARIOUS ORDERS OF THE INDIANA)
 UTILITY REGULATORY COMMISSION)

CAUSE NO. 38707-
 FAC111

**MOTION FOR PROTECTION OF
CONFIDENTIAL AND PROPRIETARY INFORMATION**

Duke Energy Indiana, LLC (“Duke Energy Indiana”), pursuant to 170 I.A.C. 1-1-11, Ind. Tr. R. 26(c), Ind. Code § 5-14-3-4 *et seq.*, and Ind. Code § 8-1-2-29, hereby respectfully requests that the Indiana Utility Regulatory Commission (“Commission”) enter an order (i) finding that certain information is confidential; (ii) prohibiting dissemination outside of the Commission; and (iii) adopting safeguards for the handling of Individual Intervenors’ cross-examination exhibit admitted into the evidentiary record containing information that is confidential, proprietary, and a trade secret to Duke Energy Indiana. In support, Duke Energy Indiana states as follows:

1. At the evidentiary hearing in this matter Individual Intervenors’ introduced several cross-examination exhibits that were admitted into the evidentiary record. Duke Energy Indiana requests that only cross-examination exhibit II CX-9C be treated as confidential and a trade secret (“Confidential Material”).

2. Public disclosure of the Confidential Material could harm Duke Energy Indiana and its customers. Knowledge of fuel costs at specific hourly loadings could provide economic

value to other entities and could put Duke Energy Indiana at a disadvantage in the competitive wholesale electric market.

3. Duke Energy Indiana and Duke Energy Business Services LLC have taken reasonable precautions to protect against the public disclosure of the Confidential Material including, but not limited to, only sharing such information internally on a need to know basis and only releasing such information outside of the companies subject to appropriate confidentiality protections.

4. The disclosure of the information contained in the Confidential Material would result in the abandonment of Duke Energy Indiana's trade secret protection if the Commission did not adopt appropriate procedures to assure the following:

- a. That the Confidential Material be made available solely for inspection by certain designated members of the Commission Staff for purposes of their examination;
- b. That the Confidential Material be specifically secured and under the control of a responsible person;
- c. That any Commission Staff member receiving access to the Confidential Material be under an obligation to secure and maintain exclusive control of it, to refrain from directly or indirectly allowing public disclosure of any portion of said Confidential Material, and to refrain from and prohibit the copying and reproduction of any of the Confidential Material;
- d. That any documents, materials or reports prepared by the Commission Staff not have the effect of disclosing the confidential information contained in the Confidential Material;
- e. That no Commission Staff member should have access to the information contained in the Confidential Material without first acknowledging in writing, prior to access, the existence of any Protective Order issued by the Commission in response to this Motion, the need to treat such information in accordance with the provision thereof and the sanctions which may be imposed for unauthorized disclosure of such information.
- f. That the Commission returns the Confidential Material to Duke Energy Indiana after its use.

5. In support of this Motion, Duke Energy Indiana submits the attached affidavit of John D. Swez (Exhibit A) testifying to the confidential, trade secret and proprietary nature of the Confidential Material.

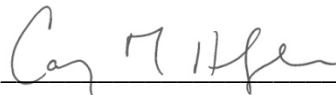
WHEREFORE, Duke Energy Indiana respectfully requests:

1. That the Commission determines that the information contained in the Confidential Material is confidential and a trade secret, that the Commission issue an order adopting the procedures requested herein to ensure that the information is appropriately secured and made available only to selected members of the Commission Staff who are under an obligation not to publicly disclose such information.

2. Grant other such further relief to Petitioner that is appropriate in the premises.

Respectfully submitted,

DUKE ENERGY INDIANA, LLC

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing electronically this 26th day of April, 2017 to the following:

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EXHIBIT A

AFFIDAVIT OF JOHN D. SWEZ

COMES NOW John D. Swez, being duly sworn, deposes and says:

1. My name is John D. Swez. I am employed by Duke Energy Carolinas LLC as Director, Generation Dispatch and Operations.
2. This Affidavit is being filed with the Indiana Utility Regulatory Commission ("IURC" or "Commission") in support of Duke Energy Indiana's Motion for Protection of Confidential and Proprietary Information, filed herewith.
3. As Director, Generation Dispatch and Operations, I am responsible for and familiar with the submission of Duke Energy Indiana's supply offers into the Midcontinent Independent System Operator, Inc. ("MISO"). I am also responsible for the submission of the Company's supply offers to MISO for MISO's day-ahead and real-time electric energy markets ("Energy Markets") and MISO's day-ahead and real-time ancillary services markets ("ASM") in the MISO region (the Energy Markets and ASM collectively referred to as the "MISO Markets"), as well as managing the Company's short term supply position to ensure that the Company has adequate resources committed to serve its retail customers' electricity needs. Information regarding the Company's bids into the MISO markets could provide economic value to competitors or vendors of Duke Energy Indiana.
4. More specifically, Individual Intervenors' cross examination exhibit II CX-9C admitted into the evidentiary record in this Cause contains certain native load hourly generation, fuel cost, and LMP revenue for Duke Energy Indiana's Edwardsport Generating Station that should be treated as confidential, proprietary and a trade secret.

If the actual fuel cost at specific hourly loadings became generally known or readily ascertainable, this knowledge could be used to determine part or all of the units future offer into the MISO market which would provide considerable economic value to competitors, to the detriment of Duke Energy Indiana and its other retail electric customers.

5. Duke Energy Indiana and Duke Energy Business Services LLC take all reasonable steps in order to protect the Confidential Information, including, but not limited to, only sharing such information internally on a need to know basis, and not releasing such information outside of Duke Energy without appropriate confidentiality protection.

FURTHER AFFIANT SAITH NOT.

John D. Swez
John D. Swez

STATE OF Indiana)
) SS:
COUNTY OF Marion)

Subscribed and sworn to before me this 26th day of April, 2017.

Megan C. Wood
Notary Public
Megan C. Wood
Printed Name

My Commission Expires: April 14, 2022

My County of Residence: Marion

