

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF DUKE ENERGY INDIANA,)
INC. FOR (i) APPROVAL OF FOUR SOLAR POWER)
PURCHASED POWER AGREEMENTS; (ii) TIMELY)
RECOVERY OF THE RETAIL JURISDICTIONAL)
PORTION OF PURCHASED POWER COSTS UNDER)
THE PURCHASED POWER AGREEMENTS) CAUSE NO. 44578
THROUGH RETAIL RATES; (iii) APPROVAL OF AN)
ALTERNATIVE REGULATORY PLAN PURSUANT)
TO INDIANA CODE § 8-1-2.5-1 *ET. SEQ.* FOR A)
MODIFICATION TO ITS *GOGREEN* TARIFFED)
OFFERING; AND (iv) CONFIDENTIAL TREATMENT)
OF PRICING AND OTHER PROPRIETARY TERMS)
OF THE PURCHASED POWER AGREEMENTS)

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

Duke Energy Indiana, Inc. (“Duke Energy Indiana”), pursuant to 170 IAC 1-1.1-4, 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 a Protective Order prohibiting dissemination outside of the Commission and adopting safeguards for the handling of certain documents being filed or submitted by Duke Energy Indiana containing information that is confidential and proprietary information and trade secrets, and in support thereof states as follows:

1. On December 29, 2014, Duke Energy Indiana filed a Petition in this proceeding seeking approval of a solar energy project Purchased Power Agreement (“PPA”) for a total of twenty (20) MWs of solar energy to be in commercial operation no later than March 31, 2016, pursuant to its *GoGreen* program under the Alternative Regulatory Statute, Ind. Code § 8-1-2.5-1 *et seq.*, and to approve timely recovery of the costs of the PPA through rates, among other things.

2. Duke Energy Indiana requests that (i) pricing information and other proprietary terms concerning confidential solar energy Purchased Power Agreements with Sullivan Solar LLC, McDonald Solar LLC, Pasttime Solar LLC, and Geres Energy LP; (ii) certain detailed costs associated with these PPAs; (iii) the Request for Proposals (“RFPs”) and economic valuation methodology submitted to Duke Energy Indiana for the solar proposals; and (iv) proprietary information from Duke Energy Indiana’s 2013 Integrated Resource Plan (“IRP”) (“Confidential Material”), which will be described in Petitioner’s Testimony and Exhibits, be treated as confidential and a trade secret.

3. Public disclosure of the Confidential Material could harm Duke Energy Indiana and its customers. Knowledge of pricing and cost provisions could provide economic value to other entities in future contract negotiations, to the detriment of Duke Energy Indiana and its retail customers. Also, pursuant to the confidential Purchased Power Agreements, Duke Energy Indiana is required to keep the parties pricing information confidential. Knowledge of the exact detail of Duke Energy Indiana’s cost estimates could provide an advantage to competitors to the detriment of both Duke Energy Indiana and its customers.

4. 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.

5. 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 return the Confidential Material to Duke Energy Indiana after its use.

6. The Confidential Material is contained within the Testimony and Exhibits of James S. Northrup and Suzanne E. Sieferman. Duke Energy Indiana will submit the Confidential Testimony and Exhibits to the Commission after receipt of a Commission Order or Entry granting this Motion.

7. In support of this Motion, Duke Energy Indiana submits the attached Affidavits of James S. Northrup (Exhibit A) and Suzanne E. Sieferman (Exhibit B), testifying to the confidential, trade secret, and proprietary nature of the Confidential Material.

8. Duke Energy Indiana agrees to make the Confidential Material available to the Indiana Office of Utility Consumer Counselor (“OUCC”) and any other non-competitive

Intervenors in this Cause upon request for the information and execution of an appropriate Confidentiality Agreement.

WHEREFORE, Duke Energy Indiana respectfully requests:

1. That the Commission determine that the information contained in the Confidential Material is confidential, pending the issuance of an Order after a hearing in which the Commission will receive the Confidential Material *in camera*, with attendance limited to appropriate Commission personnel and representatives of Duke Energy Indiana and other parties that have executed a Confidentiality Agreement with Duke Energy Indiana, and determine whether the information requested is appropriately classified as confidential and a trade secret; and

2. If, after hearing, the Commission determines that the information contained in the Confidential Material are 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.

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

Respectfully submitted,

DUKE ENERGY INDIANA, INC.

By: Melanie D Price
Melanie D. Price
Associate General Counsel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Protection of Confidential and Proprietary Information was electronically delivered this 19th day of February, 2015, to:

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AFFIDAVIT OF JAMES S. NORTHRUP

COMES NOW James S. Northrup, being duly sworn, deposes and says:

1. My name is James S. Northrup. I am employed by Duke Energy Business Services LLC, a service company affiliate of Duke Energy Indiana, Inc. ("Duke Energy Indiana") as Director, Wholesale and Renewables Analytics.

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, Wholesale and Renewables Analytics, I am familiar with Duke Energy Corporation's Requests for Proposals ("RFPs") for renewable and supply side resources, including, the solar RFP responses in this proceeding. I am familiar with the initial economic ranking results and also the final economic ranking results generated from the RFP's.

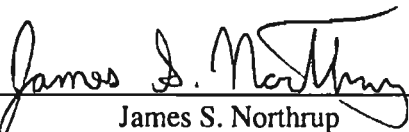
4. Certain Duke Energy Indiana Testimony and Exhibits to be submitted in this Cause contain RFPs, estimates, economic analysis, final projections and contract negotiations of the PPAs, estimated total costs of the four (4) PPAs, the estimated mwh of solar generation for the four (4) PPAs, present value savings, and solar REC prices that are confidential and propriety Duke Energy Indiana information.

5. More specifically, certain Duke Energy Indiana Testimony and Exhibits to be submitted in this Cause contain certain load and price information for the four (4) PPAs that should be treated as confidential, proprietary and a trade secret. Duke Energy Indiana negotiates several electric supply contracts. If the particular load and price information and other

competitive information became generally known or readily ascertainable to the other entities with which Duke Energy Indiana may negotiate, this knowledge would provide considerable economic value to such entities, to the detriment of Duke Energy Indiana and its other retail electric customers. Knowledge of these load and price provisions by other customers would establish a price ceiling or pricing methodology in future negotiations, thereby limiting the potential revenues and benefits that could accrue to Duke Energy Indiana, its retail customers, and its shareholders. In addition, knowledge of the load and pricing provisions by potential power supply competitors could enable them to gain unfair advantage in future competitive situations.

6. 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.


James S. Northrup

STATE OF NORTH CAROLINA)
)
COUNTY OF Mecklenburg) SS:

Subscribed and sworn to before me this 19th day of February, 2015.



Rita G Kale
Notary Public

Rita G Kale
Printed Name

My Commission Expires: 6/17/2017

My County of Residence: Catwba

AFFIDAVIT OF SUZANNE E. SIEFERMAN

COMES NOW Suzanne E. Sieferman, being duly sworn, deposes and says:

1. My name is Suzanne E. Sieferman. I am employed by Duke Energy Business Services LLC, a service company affiliate of Duke Energy Indiana, Inc. (“Duke Energy Indiana”) as Manager Rates and Regulatory Strategy.

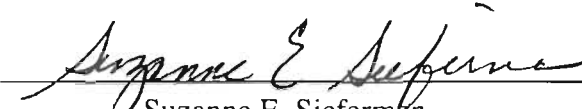
2. This Affidavit is being filed with the Indiana Utility Regulatory Commission (“IURC” or “Commission”) in support of Duke Energy Indiana’s Motion for Protection of Confidential and Proprietary Information, filed herewith.

3. As Manager Rates and Regulatory Strategy, I am familiar with Duke Energy Indiana’s rates and those items that factor into establishing rates for Duke Energy Indiana, including the pricing reflected in the solar PPAs.

4. Certain Duke Energy Indiana Testimony and Exhibits to be submitted in this Cause contain estimated annual costs associated with the four (4) PPAs and outlined in this cause of action which are confidential and propriety Duke Energy Indiana information. These prices and estimates provide actual or potential independent economic value for Duke Energy Indiana and its customers and should be treated as confidential.

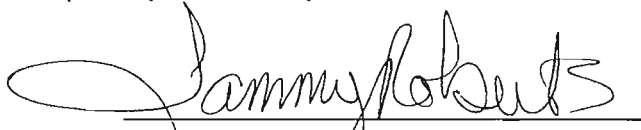
5. Duke Energy Indiana and Duke Energy Business Services LLC take all reasonable steps in order to protect the Confidential Information, including, but not limited to, only sharing such information internally on a need to know basis, and not releasing such information outside of Duke Energy without appropriate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

FURTHER AFFLIANT SAITH NOT.


Suzanne E. Sieferman

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Subscribed and sworn to before me this 19th day of February, 2015.


Notary Public
Tammy Roberts
Printed Name

My Commission Expires: 10/7/2022

My County of Residence: Hendricks