ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF DUKE ENERGY INDIANA, INC. SEEKING (1) APPROVAL OF AN ONGOING REVIEW PROGRESS REPORT PURSUANT TO I.C. 8-1-8.5 AND 8-1-8.7; (2) AUTHORITY TO REFLECT COSTS INCURRED FOR THE EDWARDSPORT INTEGRATED GASIFICATION COMBINED CYCLE GENERATING FACILITY ("IGCC PROJECT") PROPERTY UNDER CONSTRUCTION IN ITS RATES AND AUTHORITY TO RECOVER APPLICABLE RELATED COSTS THROUGH ITS INTEGRATED COAL GASIFICATION COMBINED CYCLE GENERATING FACILITY COST RECOVERY ADJUSTMENT, STANDARD CONTRACT RIDER NO. 61 PURSUANT TO I.C. 8-1-8.8-11 AND -12; (3) ESTABLISHMENT OF A SUBDOCKET PROCEEDING TO REVIEW THE COST ESTIMATE FOR THE IGCC PROJECT; AND (4) APPROVAL OF A REQUEST TO UPDATE ITS DEPRECIATION RATES FOR PRODUCTION TRANSMISSION, DISTRIBUTION AND GENERAL PLANT AND EQUIPMENT	)	CAUSE NO. 43114 IGCC 4 S2
	)	APPROVED: JUN 06 2012

ORDER OF THE COMMISSION

Presiding Officers:
James D. Atterholt, Chairman
Kari A.E. Bennett, Commissioner
Larry S. Landis, Commissioner
Carolene Mays, Commissioner
David E. Ziegner, Commissioner
David E. Veleta, Administrative Law Judge

On January 24, 2012, following the conclusion of the evidentiary hearing in Cause No. 43114 IGCC 4 S1 ("IGCC 4 S1"), the Indiana Utility Regulatory Commission ("Commission") held a discussion with Duke Energy Indiana, Inc. ("Duke"), the Indiana Office of Utility Consumer Counselor ("OUCC"), Intervenors the Citizens Action Coalition of Indiana, Inc., Save the Valley, Inc., and Valley Watch, Inc. (collectively "CAC"), Nucor Steel-Indiana and the Duke Industrial Group, regarding the Parties' dispute over the confidential status of certain exhibits

and related testimony that had been admitted into evidence. Because of the Parties inability to resolve their disagreement, the Commission opened this subdocket, Cause No. 43114 IGCC 4 S2, to hear evidence on whether certain exhibits and related testimony should continue to be subject to confidential treatment.

Pursuant to the Commission's January 30, 2012 Docket Entry, Duke filed its list of testimony and exhibits for which it requests a final determination as to confidentiality. Duke also moved to substitute certain pages for pages already admitted into the record in IGCC 4 S1, which still contained references to Black & Veatch ("B&V").[1] Duke argued that its list was supported by affidavits of Duke employees, as well as employees of General Electric ("GE") and Bechtel Power Corporation ("Bechtel"). Further, Duke incorporated by reference the motions and affidavits previously filed in IGCC 4 S1.

On February 21, 2012, the Duke Industrial Group filed its Notice of Intent Not to File a Response to the list filed on February 14, 2012 by Duke.

On February 22, 2012, the CAC filed its Response to the list filed on February 14, 2012 by Duke. The CAC noted that on January 19, 2007, the CAC entered into a non-disclosure agreement with GE and Bechtel. On July 20, 2009, the CAC entered into a second confidentiality agreement with Duke which superseded the prior agreement. The agreements permitted the CAC access to information regarding the Integrated Gasification Combined Cycle ("IGCC") Project. The CAC stated that it agreed to an entry of a preliminary protective order to facilitate presenting such information to the Commission in a timely manner. However, the CAC is challenging Duke's request for a final determination of confidentiality for many of the documents.

On March 2, 2012, Duke submitted its revised list of documents as to which it requests a final determination of confidentiality. Duke noted that of the more than 1,300 exhibits involved in the IGCC 4 S1 proceeding, Duke is seeking a final determination of confidentiality as to 328 exhibits. Of those 328 exhibits, the CAC disagrees with Duke's request for confidentiality for 195 of those exhibits.

Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, a public hearing in this Cause was held on March 6, 2012 at 9:30 a.m. in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Duke, CAC, Nucor Steel-Indiana, Duke Industrial Group and the OUCC were present and participated.

On March 16, 2012, Duke filed an updated list of documents for which it seeks a final determination of confidentiality. Duke noted that of the 195 CAC disputed documents, Duke has determined that it no longer seeks confidential treatment for 16 of them. Further, Duke noted that a portion of the remaining 179 CAC disputed documents are duplicates or partial duplicates.

[1] As this Subdocket was created to address Duke's confidentiality claim, Duke's Motion is more properly addressed through a motion to reopen the record to substitute corrected pages in Cause No. 43114 IGCC 4S1, and therefore we decline to address the motion here.

The Commission, based upon the applicable law and the evidence of record, now finds as follows:

1. **Notice and Jurisdiction.** Due, legal, and timely notice of the public hearing in this Cause was given and published by the Commission as provided by law. Duke is a public utility within the meaning of the Public Service Commission Act, as amended. The Commission has jurisdiction over Duke and the subject matter of this proceeding in the manner and to the extent provided by the law of the State of Indiana.

2. **Duke's Characteristics.** Duke is a public utility corporation organized and existing under the laws of the State of Indiana with its principal office in Plainfield, Indiana, and is a second tier wholly-owned subsidiary of Duke Energy Corporation. Duke is engaged in rendering electric utility service in the State of Indiana. Duke directly supplies electric energy throughout its 22,000 square mile service area to approximately 780,000 customers located in 69 counties in the central, north central, and southern parts of the State of Indiana.

3. **Background and Relief Requested.** The Commission's rule at 170 IAC 1-1.1-4 establishes procedures for claiming that material to be submitted to the Commission is confidential. The rule requires that a written application for a finding of confidentiality be filed on or before the date (if any) the material is required to be filed. The written application shall be accompanied by a sworn statement that describes: the nature of the confidential information; the reasons why the material should be treated as confidential pursuant to Indiana Code § 8-1-2-29 and Indiana Code Ch. 5-14-3; and the efforts made to maintain the confidentiality of the information. 170 IAC 1-1.1-4(a) and (b). Material filed with or submitted to the Commission prior to a finding of confidentiality is available for public inspection and copying. 170 IAC 1-1.1-4(e).

Consistent with our standard procedures, for information to be submitted in a confidential manner as part of a pending proceeding, the request must be made prior to the submission of the information for which the confidential treatment has been requested, and a preliminary determination must be granted by the Presiding Officer(s) prior to submission of the information. Following a determination by the Presiding Officer(s) that the request complies with the Commission's rules and evidences that the information should be entitled to confidential treatment on a preliminary basis, a single copy of the information is then hand delivered to the Presiding Administrative Law Judge, under seal and marked as confidential. In this manner, the Commission may review the information prior to the evidentiary hearing and, if necessary, conduct an *in camera* review for the purpose of hearing argument on the confidentiality of the information. 170 IAC 1-1.1-4(c).

In IGCC 4 S1, Duke filed multiple motions seeking a preliminary grant of confidentiality for various documents it intended to file with the Commission. In accordance with the Commission's procedural rules, the Presiding Officers determined sufficient information had been provided by Duke in each of its motions and issued docket entries granting confidential treatment on a preliminary basis for the information. Duke is now seeking a final determination of confidentiality as to 312 exhibits admitted into evidence under a preliminary finding of confidentiality in IGCC 4 S1. Each of Duke's requests for confidentiality relies on the trade secret exception to disclosure of public records found at Indiana Code § 5-14-3-4(a)(4). In order

to expedite the review of these exhibits, Duke submitted a spreadsheet identifying each exhibit, which was last updated on March 16, 2012.

4. **Evidence Presented.** Duke filed Motions for Protection of Confidential and Proprietary Information on: April 16, 2010; August 10, 2010; February 15, 2011; May 13, 2011; June 16, 2011; July 13, 2011; July 20, 2011; July 28, 2011; August 8, 2011; September 2, 2011; September 7, 2011; September 30, 2011; October 4, 2011; October 21, 2011, and March 2, 2012. In support of its motions, Duke included the sworn affidavits of W. Michael Womack, Vice President, Edwardsport IGCC Project, Duke; Janice D. Hager, Vice President, Integrated Resource Planning and Regulated Analytics for Duke Energy Business Services LLC; Robert D. Moreland, Vice President, Analytical and Investment Engineering, Duke Energy Business Services LLC; Stephen G. De May, Senior Vice President and Treasurer, Duke Energy Corporation; Timothy R. Huskey, Director – Sales and Commercial Operations, GE; Delome D. Fair, General Manager Engineering Gasification and Process Systems, GE; Martin Sabian, Project Director IGCC, Bechtel; and Brian A. Hartman, Project Manager IGCC, Bechtel.

Duke's main arguments for a final determination of confidentiality are contained in the April 16, 2010 Affidavit of W. Michael Womack. Mr. Womack separates the confidential information into three categories: pricing information, operating characteristic information, and information deemed confidential by others. Mr. Womack opines that the disclosure of Duke's pricing information could place Duke at a competitive disadvantage in negotiations for major components for the IGCC Project to the detriment of Duke and its customers. In addition, public knowledge of the details of operational characteristic information of the IGCC Project would put Duke at a disadvantage in the competitive wholesale electric market. Further, actual or potential suppliers and contractors for the IGCC Project have or may provide Duke with proprietary trade secrets on a confidential basis related to the IGCC Project, which proprietary information needs to be protected from public disclosure. Duke has entered into agreements with GE and Bechtel to protect such information.

Non-party Bechtel filed a Motion for Protection of Confidential and Proprietary Information on July 12, 2011. In support of its motion, Bechtel included the sworn affidavits of Keith A. White, General Manager, Gasification and IGCC Technology and Brian A. Hartman, Project Manager IGCC.
Mr. Hartman separated the Bechtel information into three categories: cost information, technical information, and execution and scheduling information.

Mr. Hartman argues that by maintaining its cost information as confidential, Bechtel is able to negotiate competitive prices on its Engineering, Procurement and Construction ("EPC") work with vendors and customers. In addition, Bechtel's cost information is generated through Bechtel's experience working on large industrial projects. Further, Mr. Hartman states that Bechtel would be harmed if this information were disclosed because customers would be able to bid or negotiate against Bechtel using this information. Mr. Hartman states that Bechtel's technical information has been developed through many years of working on large industrial projects, and its disclosure would harm Bechtel. Finally, Mr. Hartman argues that Bechtel's execution and scheduling information should be protected because this information discloses how Bechtel implements a large industrial project. If this information were disclosed, Bechtel's

competitors would have access to Bechtel's internal execution and scheduling information thereby providing them with an unfair advantage.

Delome D. Fair, General Manager Engineering Gasification and Process Systems, GE, stated in his affidavit that the GE information could be separated into three categories: cost information, technical information, and execution and schedule information. Mr. Fair opines that GE's cost information permits GE to negotiate competitive prices with vendors and customers. Further, GE's cost information is generated through GE's experience working on large projects. If competitors knew GE's actual costs, they would be able to use this information against GE during negotiations. GE has developed its technical knowledge through years of experience. If GE's technical information were disclosed, it would lose the business advantage if competitors were to deploy or utilize this technology. Finally, GE's execution and schedule information permit it to implement large projects in a timely manner. The disclosure of this information would harm GE because its competitors would gain this information providing an unfair advantage.

At the March 6, 2012, evidentiary hearing, Mr. Womack provided additional testimony in support of Duke's request for a final determination of confidentiality for certain exhibits.

5. Commission Discussion and Findings. Indiana Code § 8-1-2-29 requires the Commission to make all information and records in its possession available to the public for inspection subject to Indiana's Access to Public Records Act ("Act"), Indiana Code Ch. 5-14-3. The Act begins with an unambiguous policy statement that favors public disclosure of government information. *See* Indiana Code § 5-14-3-1. The Act goes on to set forth a list of certain documents that "may not" be disclosed by a public agency, one of which includes records containing trade secrets. Indiana Code § 5-14-3-4(a). We have previously recognized that "[a] difficulty the Commission and other Indiana public agencies face is that of reconciling a public records statute that is to be construed liberally in favor of disclosure with that same statute's broad exceptions to disclosure. Indiana Courts have responded to this issue by stating that: 'Liberal construction of a statute requires narrow construction of its exceptions.'" *AT&T Application for a Certificate of Franchise Authority,* Cause No. 43094 VSP 01, 2008 Ind. PUC LEXIS 236, at *33 (IURC 5/7/2008), citing *Robinson v. Ind. Univ.*, 659 N.E.2d 153, 156 (Ind. Ct. App. 1995).

Indiana's Access to Public Records Act, at Indiana Code § 5-14-3-2, provides that "trade secret" has the meaning set forth in Indiana Code § 24-2-3-2, which provides:

> "Trade Secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:
>
> (1) 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; and
>
> (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Indiana Courts describe trade secret information as containing four (4) elements: (1) information; (2) deriving independent economic value; (3) not generally known, or readily ascertainable by proper means by others who can obtain economic value from its disclosure or use; and (4) the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *Burk v. Heritage Food Serv. Equip., Inc.*, 737 N.E.2d 803, 813 (Ind. Ct. App. 2000).

Protection for trade secrets developed to serve two policy goals: the maintenance of standards of commercial ethics and the encouragement of invention. *Bridgestone Americas Holding, Inc. v. Mayberry*, 878 N.E.2d 189, 192 (Ind. 2007). What constitutes a trade secret is a question of law. *Franke v. Honeywell, Inc.*, 516 N.E.2d 1090, 1093 (Ind. Ct. App. 1987). "The threshold factors to be considered are the extent to which the information is known by others and the ease by which the information could be duplicated by legitimate means." *Primecare Home Health v. Angels of Mercy Home Healthcare, LLC,* 824 N.E.2d 376, 381 (Ind. Ct. App. 2005). "[T]he value of a trade secret hinges on its secrecy. As more people or organizations learn the secret, the value quickly diminishes." *Bridgestone Americas*, 878 N.E.2d at 192. In addition, information that cannot be duplicated or acquired without a substantial investment of time, expense or effort may be considered "not readily ascertainable." *Amoco Production Co. v. Laird,* 622 N.E.2d 912, 919 (Ind. 1993).

The Indiana Supreme Court has noted that a "trade secret" is one of the most elusive and difficult concepts to define and that because a determination of a trade secret is so heavily fact-specific, "the same information that qualifies as a trade secret under one set of facts may not be afforded protection under a different set of facts." *Amoco Production,* 622 N.E.2d at 916. Although cases addressing the type of information that may qualify as trade secret under Indiana law are limited, Indiana courts have previously afforded trade secret protection to: customer lists (*Kozuch v. CRA-MAR Video Center, Inc.,* 478 N.E.2d 110 (Ind. Ct. App. 1985)); customer contact information, pricing, labor rates, overhead costs, suppliers, designs, blueprints and specific needs of customers (*Infinity Products, Inc. v. Quandt,* 810 N.E.2d 1028 (Ind. 2004)); and compilation of geological survey information onto maps (*Amoco Production,* 622 N.E.2d 912).

The burden of proving the information is trade secret is on the one asserting the privilege. *Amoco Production,* 622 N.E.2d at 920. Consequently, Duke bears the burden of providing sufficient evidence to demonstrate the 312 exhibits for which it has requested a final determination of confidentiality satisfy the four elements of a trade secret. In making its request, Duke relies upon the affidavits identified above and the additional testimony of Mr. Womack at the evidentiary hearing. For ease in addressing each of the 312 exhibits contained in Duke's request, we have used the same numbering as found in Duke's March 16, 2012 "Exhibit A," a copy of which is attached to this Order. The Commission's findings for each exhibit are as follows:

Row No. 1:

The exhibit in Row No. 1 includes cost information for the IGCC Project. The detailed cost information in this exhibit has potential value because the disclosure of cost information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect

the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 2:

The exhibit in Row No. 2 includes a July 20, 2005 email message with attached letter from GE's Jim Schietzelt to Duke's Dennis Zupan. The email and attached letter include a general discussion of the potential contracting approach for the IGCC Project. The evidence fails to indicate how this exhibit, which lacks any specific or detailed information, would have any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 3:

The exhibit in Row No. 3 includes excerpts from a presentation given to the Gulf Coast Power Association entitled "Delivering the IGCC Solution." The presentation is currently available to the public on the website of the Gulf Coast Power Association.[2] Further, versions of this presentation can be found by an internet search of the presentation title, "Delivering the IGCC Solution".[3] Thus, this exhibit is generally available to the public and subject to disclosure under the Act.

Row No. 4:

The exhibit in Row No. 4 is a slightly longer version of the above referenced presentation "Delivering the IGCC Solution." As this exhibit contains similar information to the publicly available exhibit in Row No. 3, this exhibit is subject to disclosure under the Act.

Row No. 5:

The exhibit in Row No. 5 is an excerpt from the Project Scope Book for Feasibility Study for the IGCC Project. This excerpt includes general information on water treatment for the Edwardsport IGCC Project. Although Mr. Hartman's Affidavits provide that this exhibit includes technical information which may harm Bechtel if disclosed, the evidence fails to indicate how the information has any independent economic value from which others could benefit. In addition, much of the information in this exhibit was discussed publicly during the evidentiary hearing in IGCC 4 S1. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 6:

The exhibit in Row No. 6 includes idea forms from an IGCC Value Engineering Workshop. The forms include a general discussion of process improvements for the IGCC Project. The evidence fails to indicate how this exhibit would have any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

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[2] www.gulfcoastpower.org/default/S06-rapagnani.pdf

[3] *See* psc.wi.gov/initiatives/cleanCoal/documents/GE12-2-05.pdf.; www.wyia.org/Docs/Presentations/2006/05_General%20Electric%20

Row No. 7:

The exhibit in Row No. 7 is another slightly longer version of the "Delivering the IGCC Solution" presentation. As this exhibit contains similar information to the publicly available exhibit in Row No. 3, this exhibit is subject to disclosure under the Act.

Row No. 8:

The exhibit in Row No. 8 includes idea forms from an IGCC Value Engineering Workshop. The forms include detailed technical information on components used for the IGCC Project, which Mr. Hartman indicated in his Affidavits may harm Bechtel if disclosed. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 9:

The exhibit in Row No. 9 includes a transmittal letter regarding the Technical Services Agreement ("TSA"). In addition to the transmittal letter, the exhibit includes various Bechtel documents relating to the cost estimate, execution and scheduling. The detailed information in the Bechtel documents has potential value because the information is not generally known and could provide assistance in implementing large industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in the Bechtel documents. Therefore, the Commission finds that the information attached to the transmittal letter is not subject to disclosure under the Act. However, the transmittal letter is general in nature and does not provide any value to competitors of Bechtel. Therefore, the Commission finds that the transmittal letter is subject to disclosure under the act.

Row No. 10:

The exhibit in Row No. 10 includes Monthly Progress Report No. 6. The exhibit includes detailed information on scheduling and execution. This exhibit has potential value because the information aids Bechtel in implementing large industrial projects and is information from which others could benefit in bidding on or implementing similar projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 11:

The exhibit in Row No. 11 includes idea forms from an IGCC Value Engineering Workshop. The forms include information on technical components used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. Mr. Hartman's Affidavits provide that the forms include information that has been developed by Bechtel through years of experience working on large power plants and other significant industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 12:

The exhibit in Row No. 12 includes the August 2005 Project Scope Book for the Feasibility Study. The execution and scheduling information in this exhibit has potential value to others because the information is not generally known and would provide assistance in implementation of large industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 13:

The exhibit in Row No. 13 includes updated cost estimates for the IGCC Project. The numbers in this exhibit have potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, the Affidavits of Mr. Hartman provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is subject to protection under the Act.

Row No. 14:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 14.

Row No. 15:

The exhibit in Row No. 15 includes the Responsive testimony of Duke's Dennis Zupan. Duke is seeking a final determination of confidentiality as to the highlighted information on pages 10, 11 (redact only lines 1&2), 14-15, 23, 50-51, 74 (redact only $ values in line 16), 75 (redact only $ values in lines 12, 14) 77 (redact only $ value in line 12), 79-80, 82-89 and 91. Mr. Zupan's testimony includes references to cost information. The cost information in this exhibit has potential economic value because its public availability could provide advantages to competitors of Duke. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the cost information in this exhibit. The evidence fails to indicate, however, how the general information on pages 10-11, 14-15, 50-51 and 77 has any value to competitors of Duke, GE or Bechtel. The Commission finds that the highlighted information on pages 23, 74-75, 79-80, 82-89 and 91 of this exhibit is not subject to disclosure under the Act. The remainder of the information is not subject to protection as a trade secret.

Row No. 16:

The exhibit in Row No. 16 includes Bechtel's TSA. The execution and scheduling information in this exhibit has potential value because it aids Bechtel in implementing large industrial projects and could be of value to Bechtel's competitors. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 17:

The exhibit in Row No. 17 includes a one-page excerpt from a TSA between Duke, Bechtel and GE. The evidence fails to indicate how the information contained in this particular excerpt has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 18:

The exhibit in Row No. 18 includes an email from Dennis Zupan and an attached white paper which discusses the Engineering Procurement and Construction of the IGCC Project. The white paper includes cost, execution and scheduling information regarding GE equipment to be used in the IGCC Project. The white paper has potential value because the information aids Duke in implementing construction projects. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in the white paper. Therefore, the Commission finds that the attached white paper is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Duke. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 19:

The exhibit in Row No. 19 includes the report of OUCC witnesses Scott A. Bayley and Robert G. James (the "Report"). Duke is seeking a final determination of confidentiality for the highlighted portions of pages 5, 7-28, 30-32, 34-39, 41-45, 48, 50 and 52-64 of the Report. In addition, Duke is seeking a final determination of confidentiality as to the following attachments to the Report: Attachments 1-17, 19-23, 25-40, 42, 45, 51, 53, 55-58, 61, 64-7 and 74-77.

Pages 8, 10, 17, 34, 43-45, 54-55, 57 and 60, of the Report, include cost component information which has potential value because vendors could use this information to their advantage in negotiations with Duke. Further, Mr. Womack's Affidavit provides support for the steps that Duke has taken to protect the costs in this exhibit. Therefore, the Commission finds that the highlighted costs on pages 8, 10, 17, 34, 43-45, 54-55, 57 and 60 of the Report are not subject to disclosure under the Act.

Attachments 1, 4, 7, 9 15, 17, 20-21, 29-30, 32-37, 39, 45, 51, 53, 55-57, 64-65, 68-72 and 74-76, include cost component information which have potential value because vendors could use this information to their advantage in negotiations with Duke. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in these documents. The Commission finds that Attachments 1, 4, 7, 9 15, 17, 20-21, 29-30, 32-37, 39, 45, 51, 53, 55-57, 64-65, 68-72 and 74-76, are not subject to disclosure under the Act.

However, the evidence fails to indicate how the general information on pages 5, 7, 9, 11-16, 18-28, 30-32, 35-39, 41-42, 48, 50, 52-53, 56, 58-59, 61-64, and in attachments 2-3, 5-6, 8, 10-14, 16, 19, 22-23, 25-28, 31, 38, 40, 42, 58, 61, 67 and 77, of this exhibit have any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 20:

The exhibit in Row No. 20 includes a letter containing Bechtel's project recommendations. The letter includes a discussion of generalized recommendations for execution and scheduling of the IGCC Project. The evidence fails to indicate how this exhibit would be of any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 21:

The exhibit in Row No. 21 includes an email exchange predicting escalation on the IGCC Project. The email includes a general discussion of escalation on the IGCC Project without detailing any specific costs, components or technical criteria. The evidence fails to indicate how this general information has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 22:

The exhibit in Row No. 22 includes an excerpt from Monthly Progress Report No. 18. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value to competitors in that it concerns the specific design of the IGCC Project and issues encountered during construction which could aid Bechtel's competitors. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 23:

The exhibit in Row No. 23 includes an excerpt from Monthly Progress Report No. 20. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value to competitors in that it concerns the specific design of the IGCC Project and issues encountered during construction which could aid Bechtel's competitors. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 24:

The exhibit in Row No. 24 includes an excerpt from Monthly Progress Report No. 21. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value to competitors in that it concerns the specific design of the IGCC Project and issues encountered during construction which could aid Bechtel's competitors. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 25:

The exhibit in Row No. 25 includes an email with attached IGCC Project spreadsheet titled: "OG&C Escalation Forecast for December 2007". The detailed execution and scheduling information in the spreadsheet has potential value because the information provides assistance in implementing large industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in the spreadsheet. Therefore, the Commission finds that the spreadsheet is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Bechtel. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 26:

The exhibit in Row No. 26 is an excerpt from the Bechtel Forecast 1 Plan for the IGCC Project. This excerpt includes detailed technical information about the components used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value to competitors in that it concerns the specific design of the IGCC Project and issues encountered during construction which could aid Bechtel's competitors. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 27:

The exhibit in Row No. 27 is a letter from the Bechtel to Duke regarding IGCC Project pipe installation concerns. This letter includes detailed technical information about the pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because it concerns the specific design and construction of the IGCC Project and information Bechtel has developed through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 28:

The exhibit in Row No. 28 includes a detailed cost estimate for the IGCC Project from February 2007. The numbers in this exhibit have potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel on future project using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 29:

The exhibit in Row No. 29 includes detailed and specific cost estimates for the IGCC Project from March 2007. The numbers in this exhibit have potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 30:

The exhibit in Row No. 30 is an excerpt from the Bechtel Forecast 1 Plan for the IGCC Project. This excerpt includes detailed information about the components used for the IGCC Project. Mr. Hartman's Affidavits indicate that this exhibit includes technical information which may harm Bechtel if disclosed. Bechtel has developed the information through years of experience working on large power plants and other industrial projects and if made available to competitors would provide them with an unfair advantage concerning the construction of the

IGCC Project. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 31:

The exhibit in Row No. 31 is an excerpt from the Bechtel Forecast 1 Plan for the IGCC Project. This excerpt includes detailed information about the components used for the IGCC Project. Mr. Hartman's Affidavits indicate that this exhibit includes technical information which may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 32:

The exhibit in Row No. 32 is a summary of the open issues which existed between Duke and Bechtel regarding commercial negotiations as of September 26, 2007. The second page of the exhibit includes information on Bechtel's compensation for the IGCC Project. The numbers in this exhibit have potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 33:

The exhibit in Row No. 33 includes a letter from Bechtel to Duke regarding an updated trend forecast for the IGCC Project. The cost information in this exhibit has potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 34:

The exhibit in Row No. 34 includes an email rating Bechtel's performance on the IGCC Project and discussing personnel issues. The evidence fails to indicate how this exhibit has any independent economic value to competitors of Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 35:

The exhibit in Row No. 35 includes a letter from James L. Turner of Duke to William N. Dudley of Bechtel. The letter describes Duke's opinion of Bechtel's performance on the IGCC Project. Bechtel has requested confidential treatment of this exhibit, but the evidence fails to indicate how this information has any value to competitors of Duke or Bechtel. The letter does not contain any cost, operator, or technical information for the IGCC Project. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 36:

The exhibit in Row No. 36 includes an email string which compares Bechtel's estimate to Duke's estimate. The exhibit includes the amount of the fee paid to Bechtel for the IGCC Project. Mr. Hartman's Affidavits indicate that this information may harm Bechtel if disclosed because it has value to competitors of Bechtel. The cost information in this exhibit has potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 37:

The exhibit in Row No. 37 includes a chart which lists the value engineering items under review from the IGCC Value Engineering Workshop. Bechtel has requested confidential treatment of this exhibit because it contains execution and scheduling information. The evidence fails to indicate how information that lacks any specificity with regard to cost, engineering, design, construction or operation of the IGCC Project has any value to competitors of Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 38:

The exhibit in Row No. 38 includes an email from Dennis Lear and a document summarizing Bechtel's response to Duke's proposed contracting strategy. Bechtel has requested confidential treatment of this exhibit because it contains execution and scheduling information. Mr. Hartman's Affidavits indicate that this detailed and specific construction information aids Bechtel in implementing large industrial projects, and if known by its competitors, would allow them to gain an unfair advantage. Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information included in the document. Therefore, the Commission finds that the document is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Bechtel. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 39:

The exhibit in Row No. 39 consists of a letter from Bechtel regarding the draft Engineering, Procurement and Construction ("EPC") contract with Duke. The letter informs Duke that Bechtel considers the draft EPC contract confidential. However, the evidence fails to indicate how competitors of Bechtel could gain any value from having access to this general acceptance letter. Therefore, the Commission finds that this exhibit is subject to disclosure under Act.

Row No. 40:

The exhibit in Row No. 40 is a letter from William N. Dudley of Bechtel to James L. Turner of Duke. The letter describes Bechtel's opinion of its performance on the IGCC Project. Bechtel has requested confidential treatment of this exhibit. However, the evidence fails to indicate how competitors of Bechtel could gain any value from this letter. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 41:

The exhibit in Row No. 41 includes excerpts from Monthly Progress Report Nos. 15, 16, and 18. The excerpts are general in nature and the evidence fails to indicate how the excerpts have any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 42:

The exhibit in Row No. 42 includes a string of emails on the disagreement between the contractors on the proper erection of steel and pipe for the IGCC Project. The email string includes a general discussion between Duke and its contractors; however, the evidence fails to indicate how competitors of Bechtel could gain any value from this information. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 43:

The exhibit in Row No. 43 includes one form from the IGCC Value Engineering Workshop. The form includes a general discussion of the contracting strategy for the IGCC Project. The discussion is of a general, high level overview that does not contain any specific details. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 44:

The exhibit in Row No. 44 includes a letter explaining contract deliverables for the IGCC Project. Mr. Hartman's Affidavits indicate that this detailed execution and scheduling information is trade secret because it aids Bechtel in effectively implementing large industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 45:

The exhibit in Row No. 45 includes an excerpt from Monthly Progress Report No. 13. The excerpt includes a summary of Monthly Progress Report No. 13, but does not include any detailed information. Further, the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 46:

The exhibit in Row No. 46 includes an excerpt from Monthly Progress Report No. 14. The excerpt includes a summary of Monthly Progress Report No. 14, but does not include any detailed information. Further, the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 47:

The exhibit in Row No. 47 includes an excerpt from Monthly Progress Report No. 7. The detailed numbers in this exhibit have potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 48:

The exhibit in Row No. 48 includes an excerpt from Monthly Progress Report No. 16. The excerpt includes a summary of Monthly Progress Report No. 16, but does not include any detailed information. Further, the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 49:

The exhibit in Row No. 49 includes an excerpt from the IGCC Project Controls and Project Management Process Assessment. The excerpt includes a one-page generalized overview of improvements to the IGCC Project recommended by Ernst & Young. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 50:

The exhibit in Row No. 50 includes an excerpt from Monthly Progress Report No. 15. The cost information in this exhibit has potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 51:

The exhibit in Row No. 51 includes an excerpt from Monthly Progress Report No. 2. The cost information in this exhibit has potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 52:

The exhibit in Row No. 52 includes an excerpt from Monthly Progress Report No. 22. The cost information in this exhibit has potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 53:

The exhibit in Row No. 53 contains excerpts from the Project Scope Book for the IGCC Project. The excerpts include the cover pages of four sections of the Project Scope Book for the IGCC Project. No additional documents were included with this exhibit. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 54:

The exhibit in Row No. 54 includes a one-page excerpt from Monthly Progress Report No. 11. The excerpt includes a generalized management summary of Monthly Progress Report No. 11. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 55:

The exhibit in Row No. 55 includes a letter explaining contract deliverables for the IGCC Project. Mr. Hartman indicated in his Affidavits that this execution and scheduling information is trade secret because it aids Bechtel in implementing large industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 56:

The exhibit in Row No. 56 includes a letter explaining contract deliverables for the IGCC Project. Mr. Hartman indicated in his Affidavits that this execution and scheduling information is trade secret because it aids Bechtel in implementing large industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under Act.

Row No. 57:

The exhibit in Row No. 57 includes an excerpt from Monthly Progress Report No. 18. This exhibit includes technical information about components within the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 58:

The exhibit in Row No. 58 includes an excerpt from Monthly Progress Report No. 19. This exhibit includes technical information about the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the

steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 59:

The exhibit in Row No. 59 includes an email rating Bechtel's performance on the IGCC Project and also discusses personnel issues. The evidence fails to indicate how this exhibit has any value to competitors of Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 60:

The exhibit in Row No. 60 includes an email string regarding the above ground isometric drawing release status summary. The email includes information on the amount of pipe used for two portions of the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 61:

The exhibit in Row No. 61 includes an email string regarding Bechtel's performances and commercial concessions. The email discusses the commercial dispute between Bechtel and Duke. Duke has publicly acknowledged both the existence and some of the surrounding facts of a commercial dispute between Duke and Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 62:

The exhibit in Row No. 62 includes an email string regarding Bechtel's commercial concessions. The email discusses the commercial dispute between Bechtel and Duke. Duke has publicly acknowledged both the existence and some of the surrounding facts of a commercial dispute between Duke and Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 63:

The exhibit in Row No. 63 includes an email string regarding the above ground ISO release status summary. The email includes a detailed chart which identifies the amount of pipe used for specific portions of the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 64:

The exhibit in Row No. 64 includes the direct testimony of Michael Banta. Duke is requesting a final determination of confidentiality as to the highlighted information on pages 36-41, 43-44, 52-53, 78, 82-87 and 92-98. The highlighted information on page 78 includes cost information for the work completed by Duke on the IGCC Project. The cost information on page 78 of this exhibit has potential value because if the information were publicly disclosed, competitors and vendors of Duke would be able to more effectively bid or negotiate against Duke using this information. However, the highlighted information on pages 36-41, 43-44, 52-53, 82-87 and 92-98 was discussed publicly during the evidentiary hearing in IGCC 4 S1. Therefore, the Commission finds that the highlighted information on page 78 of this exhibit is not subject to disclosure under the Act and the information on pages 36-41, 43-44, 52-53, 82-87 and 92-98 is subject to disclosure under the Act.

Row No. 65:

The exhibit in Row No. 65 includes an excerpt from Monthly Progress Report No. 17. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 66:

The exhibit in Row No. 66 includes an excerpt from Monthly Progress Report No. 19. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 67:

The exhibit in Row No. 67 includes an excerpt from Monthly Progress Report No. 12. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 68

The exhibit in Row No. 68 includes an excerpt from Monthly Progress Report No. 13. This exhibit includes information about the quantity of pipe used for the IGCC Project, which

Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 69

The exhibit in Row No. 69 includes an excerpt from Monthly Progress Report No. 16. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 70:

The exhibit in Row No. 70 includes an email with an attached chart detailing pipe quantity comparison data. The chart identifies the amount of pipe used for specific portions of the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. The chart has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in the chart. Therefore, the Commission finds that the chart is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Bechtel. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 71:

The exhibit in Row No. 71 includes an email string discussing the status of pipe production. The email includes details about the design of a component of the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because the information is not generally available and if the information was made available to others, it would offer an unfair competitive advantage to contractors who intend to build an IGCC plant. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 72:

The exhibit in Row No. 72 includes excerpts from the Amended and Restated Engineering Procurement and Borrowed Employee Agreement between Duke and Bechtel. The detailed information in this exhibit has potential value, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. If this information was made available to others, it would offer an unfair

competitive advantage to Bechtel's competitors. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 73:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 73.

Row No. 74:

The exhibit in Row No. 74 includes the rebuttal testimony of Anthony Alvarez. Duke is requesting a final determination of confidentiality as to the highlighted information on pages 6-8, 10-14, 16($ values only should be redacted) and 19. The information in question includes detailed cost information related to the IGCC Project. The cost information in this exhibit has potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the highlighted information in this exhibit is not subject to disclosure under the Act.

Row No. 75:

The exhibit in Row No. 75 includes Duke's First Offer of Proof consisting of excerpts of the testimony Robert J. Burch and sub-exhibits 6, 7, 8, 9, 10, 11, 12 and 13. Sub-exhibit no. 6 consists of excerpts of Monthly Progress Report Nos. 8, 9, 10, 11, 12, 13 and 14. Sub-exhibit nos. 7 and 11 include detailed scheduling and cost estimates. The detailed information in sub-exhibit nos. 6, 7 and 11 has potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate against Duke using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

However, the evidence fails to indicate how the general information contained in the excerpts of the testimony of Robert J. Burch and Sub-exhibits 8, 9, 10, 12, 13 and 14, has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this information is subject to disclosure under the Act.

Row No. 76:

The exhibit in Row No. 76 includes cost estimates for the IGCC Project. A public version of this document in redacted form exists as JI Phase II CX 46. The redacted portions of JI Phase II CX 46 include cost information, which has potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the redacted portions of this exhibit are not subject to disclosure under the Act.

Row No. 77:

The exhibit in Row No. 77 includes the rebuttal testimony of W. Michael Womack. Duke is requesting a final determination of confidentiality as to the highlighted information on

pages 8-10, 13-14, 19-22 and 24-25. The highlighted information includes cost information for the IGCC Project. This cost information in this exhibit has potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the highlighted information on pages 8-10, 13-14, 19-22 and 24-25 of this exhibit are not subject to disclosure under the Act.

Row No. 78:

The exhibit in Row No. 78 includes a collection of documents. Duke is requesting a final determination of confidentiality to the following: the dollar values on the pages bates stamped 090001510-003856, 090001510-003857, 090001510-003859, 090001510-003929, 090001510-003933, 090001510-003923, 090001510-003946 and 090001510-003954. The dollar values in this exhibit have potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate against Duke using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the dollar values on the pages bates stamped 090001510-003856, 090001510-003857, 090001510-003859, 090001510-003929, 090001510-003933, 090001510-003923, 090001510-003946 and 090001510-003954, are not subject to disclosure under the Act.

Row No. 79:

The exhibit in Row No. 79 includes a report to the Duke Energy Board of Directors. Duke is requesting a final determination of confidentiality as to the dollar values on page three of this exhibit. The cost estimates on page three of this exhibit have potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the dollar values on page three of the exhibit, are not subject to disclosure under the Act.

Row No. 80:

The exhibit in Row No. 80 includes a presentation to the Duke Energy Board of Directors. Duke is requesting a final determination of confidentiality as to the following: the dollar amounts and dates on page 4, the dollar amounts on page 8, the quantity estimate and forecast columns on page 25, the time and quantity information on page 31 with the exception of the percentage change column, and pages 36 and 37. The information in this exhibit has potential value because if the information were publicly disclosed, vendors for Duke would be able to bid or negotiate using this information. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the following portions of the exhibit in Row No. 80 are not subject to disclosure under the Act: the dollar amounts and dates on page 4, the dollar amounts on page 8, the quantity estimate and forecast columns on page 25, the time and quantity information on page 31 with the exception of the percentage change column, and pages 36 and 37.

Row No. 81:

The exhibit in Row No. 81 includes Monthly Progress Report No. 40. Duke is requesting a final determination of confidentiality as to the following bates stamped pages: 090001510-181056 (only Major Milestones Column), 090001510-181057, 090001510-181058, 090001510-181059, 090001510-181078, 090001510-181079, 090001510-181080, 090001510-181083, 090001510-181084, 090001510-181092, 090001510-181093, 090001510-181095, 090001510-181096. The technical information has potential value because public knowledge of the details of this information could put Duke at a competitive disadvantage in the wholesale electric market and during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 82:

The exhibit in Row No. 82 is identical to the exhibit in Row No. 80. Therefore, the same finding applies to this exhibit.

Row No. 83:

The exhibit in Row No. 83 includes a report to the Duke Energy Board of Directors. Duke is requesting a final determination of confidentiality to the following: the dollar values on the pages bates stamped 090001510-003856, 090001510-003857, and 090001510-003859. The numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that the dollar values on the pages bates stamped 090001510-003856, 090001510-003857, and 090001510-003859, are not subject to disclosure under the Act.

Row No. 84:

The exhibit in Row No. 84 was subject to a final determination of confidentiality in Cause No. 43114 IGCC 3. The exhibit is a collection of documents which include both detailed cost information and technical information for the IGCC Project. The information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 85:

The exhibit in Row No. 85 includes the IGCC Project Forecast Cost to Complete Update. Duke is requesting a final determination of confidentiality to the pages bates stamped 090001510-011741 (except total values), 090001510-011742, and 090001510-011743. The information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the information on pages

bates stamped 090001510-011741 (except total values), 090001510-011742, and 090001510-011743, are not subject to disclosure under the Act.

Row No. 86:

The exhibit in Row No. 86 is a duplicate of the exhibit in Row No. 85. Therefore, the same finding applies to this exhibit.

Row No. 87:

The exhibit in Row No. 87 was subject to a final determination of confidentiality in Cause No. 43114 IGCC 3. This exhibit is a partial duplicate of the exhibit in Row No. 84. The exhibit is a collection of documents which includes both detailed cost information and technical information for the IGCC Project. The information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 88:

The exhibit in Row No. 88 includes the IGCC Project Supplemental Cost Report. The exhibit includes detailed cost information for the IGCC Project. The detailed information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 89:

The exhibit in Row No. 89 includes a job cost ledger for the IGCC Project. The exhibit includes detailed cost information for the IGCC Project. The detailed numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 90:

The exhibit in Row No. 90 includes Monthly Progress Report No. 17. Duke is requesting a final determination of confidentiality as to highlighted information on the following pages: 4 (milestones should be redacted), 14 (values should be redacted), 22-42, 45-47 (values should be redacted), 52 (milestones should be redacted), 53-56, 67-85, 86-87 (critical path description bullets), 88 (values should be redacted), 90-97, 100-111 (values should be redacted), 112-113 (values should be redacted), 114-123 (values should be redacted, 124-129. The information has potential value because the disclosure of information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the highlighted portions on the following pages: 4

(milestones should be redacted), 14 (values should be redacted), 22-42, 45-47 (values should be redacted), 52 (milestones should be redacted), 53-56, 67-85, 86-87 (critical path description bullets), 88 (values should be redacted), 90-97, 100-111 (values should be redacted), 112-113 (values should be redacted), 114-123 (values should be redacted, 124-129, of the exhibit are not subject to disclosure under the Act.

Row No. 91:

The exhibit in Row No. 91 includes an email from James Krenzke of Bechtel to Dennis Zupan of Duke and a spreadsheet with various escalation scenarios. Bechtel claims that this exhibit includes technical information which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. The information in the spreadsheet has value because Bechtel developed this information for the IGCC plant through years of experience working on large power plants and other industrial projects. Additionally, the information in the spreadsheet may be valuable to its competitors in future projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in the spreadsheet. Therefore, the Commission finds that the spreadsheet is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Bechtel. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 92:

The exhibit in Row No. 92 is identical to the exhibit in Row No. 76. Therefore, the same finding applies to this exhibit.

Row No. 93:

The exhibit in Row No. 93 includes specific cost estimates for the IGCC Project. Duke is requesting a final determination of confidentiality as to the highlighted numbers. The detailed numbers in this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that the highlighted numbers in this exhibit are not subject to disclosure under the Act.

Row No. 94:

The exhibit in Row No. 94 includes an email string discussing potential costs. Duke is requesting a final determination of confidentiality as to the itemized dollar values totaling $119 million dollars. The detailed numbers in this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that the itemized dollar values totaling $119 million dollars are not subject to disclosure under the Act.

Row No. 95:

The exhibit in Row No. 95 includes an email string regarding a site visit and proposals for possible cost savings. Duke is requesting a final determination of confidentiality as to the dollar values on pages 2 and 3 of the exhibit. The detailed numbers one pages 2 and 3 of this exhibit has potential value because the public disclosure of such information could place Duke at

a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the numbers on pages 2 and 3 of this exhibit are not subject to disclosure under the Act.

Row No. 96:

The exhibit in Row No. 96 includes a letter reporting observations and findings regarding the IGCC Project. Duke is requesting a final determination of confidentiality as to the dollar values and quantities on pages 4 and 5 of the exhibit. The detailed numbers on pages 4 and 5 of this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the numbers on pages 4 and 5 of this exhibit are not subject to disclosure under the Act.

Row No. 97:

The exhibit in Row No. 97 is identical to the exhibit in Row No. 76. Therefore, the same finding applies to this exhibit.

Row No. 98:

The exhibit in Row No. 98 includes detailed and specific cost estimates for the IGCC Project. The detailed numbers in this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 99:

The exhibit in Row No. 99 includes the supplemental rebuttal testimony of Patricia Galloway. Duke is requesting a final determination of confidentiality as to the information identified as confidential on pages 81, 82 (redact only lines 1&2), 85-88, 94-95, 99, 100-116 (redact only the quantities/numbers), 117-119, 120-121 (redact only the quantities/numbers), 122 (redact only numbers and lines 7-11), 124-126 (redact only the quantities/numbers), 129, 130-132 (redact only the quantities/numbers), 133, 136, 148, 149 (redact only lines 17-19), 160-162, 167-169, 172, 178, 207-208, 235 and 243-245.

The information identified by Duke as confidential includes detailed cost and technical information related to the IGCC Project. This information has value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Therefore, the Commission finds that the information identified as confidential on pages 81, 82 (redact only lines 1&2), 85-88, 94-95, 99, 100-116 (redact only the quantities/numbers), 117-119, 120-121 (redact only the quantities/numbers), 122 (redact only numbers and lines 7-11), 124-126 (redact only the quantities/numbers), 129, 130-132 (redact only the quantities/numbers), 133, 136, 148, 149 (redact only lines 17-19), 160-162, 167-169, 172, 178, 207-208, 235 and 243-245, is not subject to disclosure under the Act.

Row No. 100:

The exhibit in Row No. 100 is identical to the exhibit in Row No. 76. Therefore, the same finding applies to this exhibit.

Row No. 101:

The exhibit in Row No. 101 includes observations and findings on the IGCC Project estimate. Duke is requesting a final determination of confidentiality as to the dollar values and quantities on pages 4 and 5 of the exhibit. The detailed numbers on pages 4 and 5 of this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that the numbers on pages 4 and 5 of this exhibit are not subject to disclosure under the Act.

Row No. 102:

The exhibit in Row No. 102 is identical to the exhibit in Row No. 76. Therefore, the same finding applies to this exhibit.

Row No. 103:

The exhibit in Row No. 103 includes the responsive testimony of W. Michael Womack. Duke is requesting a final determination of confidentiality as to the highlighted information on pages 12, 18, 30, 51, 52 (redact only lines 9-10) and 59. The information identified by Duke as confidential includes general statements and opinions about Bechtel's performance. The evidence fails to indicate how this type of information has any value to competitors of Duke. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 104:

The exhibit in Row No. 104 includes the rebuttal testimony of W. Michael Womack. Duke is requesting a final determination of confidentiality as to the highlighted information on pages 8-10, 13-14, 19-22 and 24-25. The information identified as confidential by Duke includes specific cost information for various parts of the IGCC Project. This information has potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 105:

The exhibit in Row No. 105 includes the supplemental rebuttal testimony of W. Michael Womack. Duke is requesting a final determination of confidentiality as to the highlighted information on pages 5-6, 8, 10-13, 16-21, 27 and 43. The information identified as confidential by Duke includes specific cost information for various parts of the IGCC Project. This information has potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information

in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 106:

The exhibit in Row No. 106 includes specific cost estimates for the IGCC Project. The detailed numbers in this exhibit have potential value for Duke because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Also, Duke asserts that a public version of this exhibit already exists which shows only the total of the numbers in the estimate. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 107:

The exhibit in Row No. 107 includes an excerpt from the Duke Energy Board Meeting-Major Project Update. Duke is requesting a final determination of confidentiality as to the dollar values on page 3 of the exhibit. The detailed numbers on page 3 of this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that the dollar values on page 3 of this exhibit are not subject to disclosure under the Act.

Row No. 108:

The exhibit in Row No. 108 includes specific cost estimates for the IGCC Project. The detailed numbers in this exhibit have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 109:

The exhibit in Row No. 109 is the supplemental rebuttal testimony of Michael Womack. Duke is requesting a final determination of confidentiality as to the highlighted portions of pages 8, 10-13, 16-21, 27 and 43. The highlighted portions of these pages include cost estimates that have potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the cost information in this exhibit. Therefore, the Commission finds that the highlighted numbers on pages 8, 10-13, 16-21, 27 and 43 of this exhibit are not subject to disclosure under the Act.

Row No. 110:

The exhibit in Row No. 110 is the responsive Phase II Testimony of Richard Haviland. Duke is requesting a final determination of confidentiality as to the highlighted portions of pages 11-13, 19, 20 (redact only line 21), 24-25 and 30. The highlighted portions of pages 11, 13, 19 and 20 (only line 21) include cost information that has potential value because the public disclosure of such information could place Duke at a competitive disadvantage during future

negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers in this exhibit. In addition, the highlighted information on page 12 includes a reference to a particular individual who should have been replaced on the IGCC Project. The evidence fails to indicate how this type of information has any value to competitors of Duke and the information on pages 24, 25 and 30 are general statements about Bechtel's performance. Therefore, the Commission finds that the highlighted portions of pages 11, 13, 19 and 20 (only line 21) of this exhibit are not subject to disclosure under the Act, and the remainder of the exhibits are subject to disclosure.

Row No. 111:

The exhibit in Row No. 111 is the supplemental rebuttal testimony of Michael Banta. Duke is requesting a final determination of confidentiality as to the highlighted portions of pages 39, 45, 57 (only $ values in line 13), 60, 61(only $ values), 62-63, 89, 108 and 125. The highlighted portions of pages 39, 45, 57, 60, 61, 62-63, 108 and 125 include dollar amounts that have potential value for Duke because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Mr. Womack's Affidavits also provide support for the steps that Duke has taken to protect the numbers in this exhibit. Further, the highlighted information on page 89 includes a reference to a particular portion of the FEED Study TSA. The evidence fails to indicate how the reference on page 89 has any value to competitors of Duke. Therefore, the Commission finds that the highlighted portions of pages 39, 45, 57 (only $ values in line 13), 60, 61(only $ values), 62-63, 108 and 125 of this exhibit are not subject to disclosure under the Act, but that page 89 is subject to disclosure.

Row No. 112:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 112.

Row No. 113:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 113.

Row No. 114:

The exhibit in Row No.114 is a legal memo regarding the regulatory requirements for permitting associated with underground injection of grey water at the IGCC Project. This legal memo addresses some of the legal issues associated with the wastewater characteristics of the IGCC Project. The evidence fails to indicate how the information in this exhibit would have value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 115:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 115.

Row No. 116:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 116.

Row No. 117:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 117.

Row No. 118:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 118.

Row No. 119:

The exhibit in Row No. 119 is the supplemental rebuttal Testimony of Robert Burch. Duke is requesting a final determination of confidentiality as to the information identified as confidential on pages 7-25, 27, 29-40, 45-51 and 53-54. The information pertains to the anticipated wastewater characteristics of the IGCC Project and to the cost of addressing the wastewater solution for the IGCC Project. The cost information on pages 7-25 in this exhibit has potential value for Duke because the public disclosure of such information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information on pages 7-25 in this exhibit. Therefore, the Commission finds that the information identified as confidential on pages 7-25 of this exhibit are not subject to disclosure under the Act. The information identified as confidential on pages 27, 29-40, 45-51 and 53-54 contains a discussion of relevant federal regulations concerning wastewater regulation. The evidence fails to indicate how this information has any value to the competitors of Duke, GE or Bechtel. Thus, the information identified as confidential on pages 27, 29-40, 45-51 and 53-54 is subject to disclosure under the Act.

Row No. 120:

The exhibit in Row No. 120 is a document titled "TEC to Reference Plant: A Design Improvement Case Study." The exhibit includes detailed technical information about the GE equipment package for Tampa Electric Company's Polk Power Station ("Polk"). The same presentation was given at Coal Gen 2008, an industry trade show for the coal-fueled generation of electricity industry. Thus, this information is available to competitors of GE. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 121:

The exhibit in Row No. 121 is an email regarding talking points about the GE price increases. The email includes the price of GE's proprietary and non-proprietary work on the IGCC Project. The information has potential value because it allows GE to negotiate competitive prices with vendors and customers. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 122:

The exhibit in Row No. 122 is an email regarding the zero liquid discharge study for the IGCC Project. The information in this exhibit includes both the GE Reference Plant coal feed characteristics and the analysis of the grey water characteristics. The information in this exhibit has potential value because it provides detailed analysis and information on the expected performance for a specific portion of the plant. Additionally, the information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit

provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 123:

The exhibit in Row No. 123 is a chain of emails regarding an IGCC project meeting in Charlotte. The emails include a request by Duke for commercial concessions from GE. The evidence fails to indicate how this exhibit has any value to competitors of Duke or GE. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 124:

The exhibit in Row No. 124 includes a report on the Feasibility Assessment for a Class I Non-Hazardous Injection Well. The report was created by Subsurface Technology, Inc. for Duke in July 2006. GE is requesting a final determination of confidentiality for the exhibit because it contains GE technical information. The information in this exhibit has potential value because it provides detailed analysis and information on the expected performance for a specific portion of the plant. In addition, the information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 125:

The exhibit in Row No. 125 includes the estimated characteristics of the grey water blowdown for the IGCC Project. The information in this exhibit has potential value because it provides detailed analysis and information on the expected performance for a specific portion of the plant. In addition, the information has potential value as GE would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 126:

The exhibit in Row No. 126 includes an email string between two employees of Duke regarding GE guarantees related to the IGCC Project. GE argues that the information includes technical information. The information in this exhibit has potential value because it provides detailed analysis and information on the expected performance for a specific portion of the plant. In addition, the information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 127:

The exhibit in Row No. 127 includes an email with attached grey water composition update. The information in the grey water composition update includes a description of the grey water characteristics. This information has potential value because it provides detailed analysis

and information on the expected performance for a specific portion of the plant. In addition, this information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later utilized or deployed by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in the grey water composition update. Therefore, the Commission finds that the grey water composition update is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of GE. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 128:

The exhibit in Row No. 128 is information on a conference call regarding the grey water composition update. The information in this exhibit includes an analysis of the grey water characteristics. The information in this exhibit has potential value because it provides analysis and information on the expected performance for a specific portion of the plant. In addition, the information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later utilized or deployed by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 129:

The exhibit in Row No. 129 is a letter which provides a grey water composition update. The information in this exhibit includes an analysis of the grey water characteristics. The information in this exhibit has potential value because it provides analysis and information on the expected performance for a specific portion of the plant. In addition, the information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later utilized or deployed by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 130:

The exhibit in Row No. 130 is a letter regarding the completion of the FEED study. The information in this exhibit was discussed at length on the public record during the evidentiary hearing in IGCC 4 S1, as was the series of events that led to the rejection of Lump Sum Turn Key ("LSTK") approach. Thus, the information contained in the letter is generally known. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 131:

The exhibit in Row No. 131 includes an email string relating to team building between Bechtel, GE and Duke. Although GE argues that the information includes technical information, the email contains a high level discussion of issues for a future meeting. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 132:

The exhibit in Row No. 132 includes idea forms from an IGCC Value Engineering Workshop. The forms include detailed cost information on the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 133:

The exhibit in Row No. 133 includes an email string relating to the drafting of a press release regarding a Duke regulatory filing. The evidence fails to indicate how this exhibit has any value to competitors of Duke. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 134:

The exhibit in Row No. 134 includes detailed cost estimates for the IGCC Project. The information in this exhibit has potential value because it provides information on the expected performance for a specific portion of the plant. The information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 135:

The exhibit in Row No. 135 includes an email string regarding safety management at the IGCC site. The information in this exhibit describes how safety should be generally managed at the job site. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 136:

GE is no longer seeking confidential treatment for the exhibit in Row No. 136.

Row No. 137:

The exhibit in Row No. 137 includes an excerpt from Monthly Progress Report No. 14. The execution and scheduling information in this exhibit has potential value because the information aids in implementing large industrial projects. Further, Mr. Fair's Affidavit provides support for the steps that GE have taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 138:

The exhibit in Row No. 138 includes an email and a document which describes the Bechtel/GE Alliance's initial response to Duke's strategy document. The execution and scheduling information in this document has potential value because the information aids in implementing large industrial projects. Further, Mr. Fair's Affidavit provides support for the

steps that GE has taken to protect the information in this document. Therefore, the Commission finds that this document is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Bechtel or GE. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 139:

The exhibit in Row No. 139 includes information on GE's gasification process. GE claims that this exhibit includes technical information which may harm GE if disclosed. The information has potential value as GE would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 140:

The exhibit in Row No. 140 includes information on GE's expected gasifier availability. GE claims that this exhibit includes technical information which may harm GE if disclosed. The information has potential value as GE would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 141:

The exhibit in Row No. 141 contains a letter from the GE-Bechtel Alliance to Duke. GE argues that this execution and scheduling information is trade secret. The execution and scheduling information in this exhibit has potential value because the information aids GE in implementing large industrial projects. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. However, this information was discussed publicly during the evidentiary hearing in IGCC 4 S1. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 142:

The exhibit in Row No. 142 is an email string containing projected water quality limits. This excerpt includes general information about expected wastewater characteristics of the IGCC Project. GE claims that this exhibit includes technical information which may harm GE if disclosed. The evidence fails to indicate how this exhibit has any value to competitors of GE. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 143:

The exhibit in Row No. 143 is information on a conference call regarding the grey water composition update. The general information in this exhibit includes a description of the grey water characteristics. The evidence fails to indicate how the information in this exhibit has any value to competitors of GE. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 144:

The exhibit in Row No. 144 is an email exchange regarding water quality. The information in this string of emails includes a description of what the Environmental Protection Agency ("EPA") looks for when reviewing injection well permits. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel or why this information that is publicly available should be held confidential in this instance. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 145:

The exhibit in Row No. 145 is an email regarding the classification of hazardous wastewater. The information in this email includes copies of the relevant federal regulations. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel or why this information that is publicly available should be held confidential in this instance. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 146:

The exhibit in Row No. 146 includes an email string regarding deep well test locations. GE claims that this exhibit includes technical information which may harm GE if disclosed. The information in this exhibit has potential value because it provides information on the location and the number of test wells for the IGCC Project. If this information was publicly disclosed, and the information was later deployed or utilized by its competitors, GE would be harmed. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 147:

The exhibit in Row No. 147 is an email exchange regarding grey water calculations. The email involves scheduling a meeting to discuss grey water calculations, as opposed to any manner, method or calculations concerning the grey water. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 148:

The exhibit in Row No. 148 is an email string regarding wastewater characteristics. This excerpt includes detailed and specific wastewater characteristics of the IGCC Project. The information has potential value for GE as it would be harmed if its technical information was publicly disclosed, and the information was later deployed or utilized by its competitors. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 149:

The exhibit in Row No. 149 is an email string regarding mechanical vapor recompression evaluation and analysis. The email contains a high level discussion of a commercially available technology. The evidence fails to indicate how this exhibit has any value to competitors of

Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 150:

The exhibit in Row No. 150 includes an excerpt from Monthly Progress Report No. 12. The excerpt includes a generalized management summary of Monthly Progress Report No. 12. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 151:

The exhibit in Row No. 151 includes an excerpt from Monthly Progress Report No. 13. The excerpt includes a generalized management summary of Monthly Progress Report No. 13. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 152:

The exhibit in Row No. 152 includes an email string regarding grey water area, scope of work and division of responsibilities. GE argues that the information in this string of emails is technical information. The information in this exhibit has potential value because it provides information on the design and location of equipment for the IGCC Project. If this information was publicly disclosed, and the information was later deployed or utilized by its competitors, GE would be harmed. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 153:

The exhibit in Row No. 153 includes a document discussing a meeting between Bechtel and Duke. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 154:

The exhibit in Row No. 154 includes a document discussing a meeting between GE and Duke. GE argues that the information in this document is technical information. The numbers in this exhibit, which include specific references to quantities of commodities, have potential value because GE's competitors may use such information to gain an economic advantage. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 155:

The exhibit in Row No. 155 includes a transmittal letter regarding GE's response to Duke's white paper. In addition to the transmittal letter, the exhibit includes a lengthy document discussing GE's responses to Duke's white paper. GE argues that the information in this

document is technical information. The numbers in this document have potential value to GE's competitors, if publicly disclosed. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this document. Therefore, the Commission finds that this document is not subject to disclosure under the Act. However, the transmittal letter is general in nature and does not provide any value to competitors of GE. Therefore, the Commission finds that the transmittal letter is subject to disclosure under the Act.

Row No. 156:

The exhibit in Row No. 156 is identical to the exhibit in Row No. 154. Therefore, the same finding applies to this exhibit.

Row No. 157:

The exhibit in Row No. 157 is identical to the exhibit in Row No. 155. Therefore, the same findings apply to this exhibit.

Row No. 158:

The exhibit in Row No. 158 includes a grey water update and wastewater characteristics for the IGCC Project. The analysis and information in this exhibit have potential value to GE's competitors, which could result in harm to GE if its technical information was publicly disclosed. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 159:

The exhibit in Row No. 159 is a report on the availability and operability of the IGCC Plant. GE is requesting a final determination of confidentiality for the exhibit because it contains GE technical information. The information in this exhibit has potential value because it provides information on the expected performance for a specific portion of the plant and GE would be harmed if its technical information was publicly disclosed. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 160:

The exhibit in Row No. 160 is identical to the exhibit in Row No. 159. Therefore, the same finding applies to this exhibit.

Row No. 161:

The exhibit in Row No. 161 includes a document discussing a meeting between representatives of Bechtel and Duke. This exhibit incorporates the exhibits in Row Nos. 153 and 166. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how litigation positioning has any value to competitors of Duke or Bechtel so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 162:

The exhibit in Row No. 162 is identical to the exhibit in Row No. 154. Therefore, the same finding applies to this exhibit.

Row No. 163:

The exhibit in Row No. 163 includes an email string regarding the IGCC Project. GE argues that the information in this document is technical information. Additionally, Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or GE so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 164:

The exhibit in Row No. 164 includes an email regarding the GE response to Duke's white paper. In addition to the email, the exhibit includes a lengthy document discussing GE's response to Duke's white paper. GE argues that the information in this document is cost information and has potential value in negotiating competitive prices with vendors and customers. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this document. Therefore, the Commission finds that this document is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of GE. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 165:

The exhibit in Row No. 165 includes an email string regarding an IGCC Project meeting and issues for GE and Bechtel. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or GE so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 166:

The exhibit in Row No. 166 is identical to the exhibit in Row No. 165. Therefore, the same finding applies to this exhibit.

Row No. 167:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 167.

Row No. 168:

The exhibit in Row No. 168 includes issues for discussion with Bechtel. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or Bechtel so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 169:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 169.

Row No. 170:

The exhibit in Row No. 170 is identical to the exhibit in Row No. 165. Therefore, the same finding applies to this exhibit.

Row No. 171:

The exhibit in Row No. 171 includes excerpts from Bechtel's response to Duke's "Issues for Discussion" document. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 172:

The exhibit in Row No. 172 includes an email string regarding scheduling a meeting to discuss the above ground isometric drawing release status summary. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 173:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 173.

Row No. 174:

The exhibit in Row No. 174 is identical to the exhibit in Row No. 165. Therefore, the same finding applies to this exhibit.

Row No. 175:

The exhibit in Row No. 175 includes excerpts from Bechtel's response to Duke's "Issues for Discussion" document. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or Bechtel so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 176:

The exhibit in Row No. 176 is identical to the exhibit in Row No. 153. Therefore, the same finding applies to this exhibit.

Row No. 177:

The exhibit in Row No. 177 is identical to the exhibit in Row No. 153. Therefore, the same finding applies to this exhibit.

Row No. 178:

The exhibit in Row No. 178 is identical to the exhibit in Row No. 165. Therefore, the same finding applies to this exhibit.

Row No. 179:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 179.

Row No. 180:

The exhibit in Row No. 180 includes excerpts from Bechtel's response to Duke's "Issues for Discussion" document. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or Bechtel so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 181:

The exhibit in Row No. 181 includes excerpts from Bechtel's response to Duke's "Issues for Discussion" document. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or Bechtel so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 182:

The exhibit in Row No. 182 is identical to the exhibit in Row No. 153. Therefore, the same finding applies to this exhibit.

Row No. 183:

The exhibit in Row No. 183 includes an email regarding the GE response to Duke's white paper. In addition to the email, the exhibit includes a lengthy document discussing Duke's reply to GE's response. The cost information in this document has potential value because the disclosure of such pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this document. Therefore, the Commission finds that this document is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Duke. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 184:

The exhibit in Row No. 184 includes an email string regarding Bechtel performance and commercial concessions. Duke argues that the information in this document is trade secret because it provides information on Duke's potential litigation position. The evidence fails to indicate how discussion concerning potential litigation has any value to competitors of Duke or Bechtel so as to qualify as a trade secret. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 185:

The exhibit in Row No. 185 is identical to the exhibit in Row No. 153. Therefore, the same finding applies to this exhibit.

Row No. 186:

The exhibit in Row No. 186 is identical to the exhibit in Row No. 154. Therefore, the same finding applies to this exhibit.

Row No. 187:

The exhibit in Row No. 187 is identical to the exhibit in Row No. 165. Therefore, the same finding applies to this exhibit.

Row No. 188:

The exhibit in Row No. 188 includes a data request tendered by the Industrial Group and Duke's response. The cost information in the response has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in the response. Therefore, the Commission finds that the response is not subject to disclosure under the Act. However, the data request does not provide any value to competitors of Duke. Therefore, the Commission finds the data request is subject to disclosure under the Act.

Row No. 189:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 189.

Row No. 190:

Duke is no longer seeking confidential treatment for the exhibit in Row No. 190.

Row No. 191:

The exhibit in Row No. 191 includes a collection of documents attached to the rebuttal testimony of Robert G. James. Duke is requesting a final determination of confidentiality to the following documents identified as 21:1, 21:21, 28:5, 28:18, 29:3, 31:15, 35:12, 35:14, 37:13 and 38:15-18. The cost information in the documents 31:15, 35:12 and 35:14 has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that documents identified as 31:15, 35:12 and 35:14 are not subject to disclosure under the Act. However, the evidence fails to indicate how the documents identified as 21:1, 21:21, 28:5, 28:18, 29:3, 37:13 and 38:15-18, which merely contain general information have any value to competitors of Duke, GE or Bechtel, and therefore, the Commission finds these documents are subject to disclosure.

Row No. 192:

The exhibit in Row No. 192 includes discussion points for a GE/Duke meeting in Charlotte, North Carolina. The email includes a general discussion of topics to be considered at a future meeting. The evidence fails to indicate how the email would have any value to

competitors of Duke or GE. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 193:

The exhibit in Row No. 193 is a spreadsheet which includes the estimated rate increases by retail rate group reflecting 100% estimated IGCC construction costs. Duke has requested a final determination of confidentiality as to lines 43 (variable O&M), 44 (fixed O&M), 45 (amortization of plan presentation costs), 48 (estimated O&M expenses before jurisdictional allocation), and 50 (depreciation expense including net negative salvage) on all pages of the spreadsheet. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that the numbers on lines 43, 44, 45, 48 and 50 on all pages of this exhibit are not subject to disclosure under the Act.

Row No. 194:

The exhibit in Row No. 194 includes excerpts from Progress Reports 9 and 13. The excerpts include a generalized management summary of Progress Reports 9 and 13. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 195:

The exhibit in Row No. 195 includes an excerpt from Progress Reports 28. The excerpt includes a generalized management summary of Monthly Progress Report No. 28. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 196:

The exhibit in Row No. 196 includes both an email with possible language for the Duke Board of Directors and a memorandum to the Duke Board of Directors. Both documents include a summary of a meeting between Duke Executives and Governor Mitchell E. Daniels. Further, the memorandum includes an update on efforts to obtain more federal support for the IGCC Project. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 197:

The exhibit in Row No. 197 is an email string regarding John Roebel's engineering and technical services activity report of December 1, 2006. The activity report contains no engineering or technical data, but instead merely contains general information about the IGCC Project. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 198:

The exhibit in Row No. 198 includes the Evaluation of the Estimate at Final Completion performed by Ernst & Young. The numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 199:

The exhibit in Row No. 199 includes the IGCC Project Revised Cost Forecast. The cost estimates in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 200:

The exhibit in Row No. 200 includes an analysis of the potential contingency use for the construction of the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 201:

The exhibit in Row No. 201 includes the IGCC Project Revised Cost Forecast. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 202:

The exhibit in Row No. 202 includes information on how budget transfers work. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 203:

The exhibit in Row No. 203 includes a reconstruction of the OUCC Confidential Exhibit AAA-5. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to

protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 204:

The exhibit in Row No. 204 includes the response to the OUCC's Summary of Alleged Embedded Contingency. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 205:

The exhibit in Row No. 205 is identical to the exhibit in Row No. 193. Therefore, the same finding applies to this exhibit.

Row No. 206:

The exhibit in Row No. 206 includes an email string regarding project savings due to engineering review. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 207:

The exhibit in Row No. 207 includes the responsive testimony of Robert James and attached exhibits. The technical information in this exhibit includes an analysis of the grey water characteristics for the IGCC Project. This information has value because GE has developed the information through years of experience working on large power plants and other industrial projects. In addition, if this information were disclosed, GE's competitors could utilize the information to gain a competitive advantage. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 208:

The exhibit in Row No. 208 includes David Schlissel's Supplemental Rebuttal Testimony. Duke is requesting a final determination of confidentiality as to pages 17-25, 40, 49 and 50. This information has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that pages 17-25, 40, 49 and 50 of this exhibit are not subject to disclosure under the Act.

Row No. 209:

The exhibit in Row No. 209 includes the grey water revised estimate and cost forecast analysis. This information has value because GE has developed the information through years of experience working on large power plants and other industrial projects. In addition, if this

information were disclosed, GE's competitors could utilize the information to gain a competitive advantage. Further, Mr. Fair's Affidavit provides support for the steps that GE has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 210:

The exhibit in Row No. 210 consists of an email string regarding the agreement with GE and Bechtel on a technical services agreement. The exhibit includes the actual cost of each phase of the FEED study. The numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 211:

The exhibit in Row No. 211 consists of an email regarding the FEED study report. In addition to the email, the exhibit includes a document which describes the FEED study report. The FEED study report includes cost information and detailed technical information. The numbers in this document have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this document. Therefore, the Commission finds that this document is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Duke. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 212:

The exhibit in Row No. 212 consists of a draft of the TSA. The TSA includes cost information and detailed technical information. The numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 213:

The exhibit in Row No. 213 consists of a transmittal letter regarding the EPC services contract. In addition to the transmittal letter, the exhibit includes a draft of the EPC services contract. The EPC services contract includes cost information and detailed technical information. The cost information in the EPC services contract has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in the EPC services contract. Therefore, the Commission finds that the EPC services contract is not subject to disclosure under the Act. However, the transmittal letter is general in nature and does not provide any value to competitors of Duke. Therefore, the Commission finds that the transmittal letter is subject to disclosure under the Act.

Row No. 214:

The exhibit in Row No. 214 consists of an email and a draft of the proposed contracting strategy between Duke, GE and Bechtel. This draft includes cost information and detailed technical information. The cost information in the draft has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in the draft. Therefore, the Commission finds that the draft is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 215:

The exhibit in Row No. 215 consists of an email and a document which includes the division of responsibility for editing and discussion of the contract for the IGCC Project. This document includes detailed technical information. The technical information in the document has potential value because this information was developed through years of experience working on large power plants. In addition, if this information were disclosed, Duke's competitors could utilize the information to gain a competitive advantage. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this document. Therefore, the Commission finds that this document is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Duke. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 216:

The exhibit in Row No. 216 consists of an indicative estimate review package. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 217:

The exhibit in Row No. 217 consists of an email string regarding Bechtel's recommendations. This exhibit includes detailed technical information. The technical information in this exhibit has potential value because this information was developed through years of experience working on large power plants. In addition, if this information were disclosed, Duke's competitors could utilize the information to gain a competitive advantage. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 218:

The exhibit in Row No. 218 consists of two letters: one regarding work process changes and one regarding safety at the job site. Neither letter contains any technical, execution or cost information. The evidence fails to indicate how this exhibit has any value to competitors of

Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 219:

The exhibit in Row No. 219 is identical to the exhibit in Row No. 91. Therefore, the same findings apply to this exhibit.

Row No. 220:

The exhibit in Row No. 220 consists of a spreadsheet containing Bechtel's escalation impact by calendar year. This exhibit includes detailed technical information. The numbers in this exhibit have potential value for Duke because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 221:

The exhibit in Row No. 221 consists of an email string regarding preliminary deliverables and design review. This exhibit includes detailed technical information. The technical information in this exhibit has potential value because this information was developed by Duke through years of experience working on large power plants. In addition, if this information were disclosed, Duke's competitors could utilize the information to gain a competitive advantage. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 222:

The exhibit in Row No. 222 consists of grey water zero liquid discharge alternatives analysis. This exhibit includes detailed technical information. The technical information in this exhibit has potential value for Duke because this information was developed through years of experience working on large power plants. In addition, if this information were disclosed, Duke's competitors could utilize the information to gain a competitive advantage. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 223:

The exhibit in Row No. 223 consists of an email string regarding deep well cost vs. flow analysis. This exhibit includes detailed cost information, which has independent potential value because its disclosure could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 224:

The exhibit in Row No. 224 consists of charts and graphs regarding deep well cost vs. flow analysis. This exhibit includes detailed cost information, which has independent potential value because its disclosure could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 225:

The exhibit in Row No. 225 consists of an email and a presentation on greywater blowdown for the IGCC Project. The presentation includes detailed technical information, which has potential value to competitors and was developed by Duke through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in the presentation. Therefore, the Commission finds that the presentation is not subject to disclosure under the Act. However, the email is general in nature and does not provide any value to competitors of Duke. Therefore, the Commission finds that the email is subject to disclosure under the Act.

Row No. 226:

The exhibit in Row No. 226 consists of an email exchange regarding bi-weekly updates. This exhibit includes general information about various parts of the IGCC Project. However, the updates do not include specific references to data, equipment, processes or similar technical information and the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 227:

The exhibit in Row No. 227 consists of an email exchange regarding projection of ground water values over time. This exhibit includes detailed and specific characteristics of the water to be discharged from the IGCC Project. The technical information in this exhibit has potential value to competitors and was developed through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 228:

The exhibit in Row No. 228 consists of an email exchange regarding zero liquid discharge megawatt needs. This exhibit includes detailed technical information, which has potential value to competitors and was developed by Duke through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 229:

The exhibit in Row No. 229 includes excerpts from Progress Report No. 3. The cost information in this exhibit has potential value because the disclosure of pricing information

could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 230:

The exhibit in Row No. 230 consists of an email containing the semi-monthly update. The email includes a high level update on the progress of construction of the IGCC Project. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 231:

The exhibit in Row No. 231 consists of grey water work overview. This exhibit includes detailed technical information. The technical information in this exhibit has potential value to Duke's competitors and was developed through years of experience working on large power plants. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 232:

The exhibit in Row No. 232 consists of Patricia Galloway's supplemental rebuttal testimony. Duke is requesting a final determination of confidentiality as to the information on pages 135, 211, 229-232 and 237. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers in this exhibit. Therefore, the Commission finds that the information identified as confidential on pages 135, 211, 229-232 and 237 of this exhibit is not subject to disclosure under the Act.

Row No. 233:

The exhibit in Row No. 233 contains a one-page excerpt from the TSA between Duke, Bechtel and GE. This exhibit includes the "Recitals" page from the TSA. The information on this page was publicly discussed during the evidentiary hearing in IGCC 4 S1. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 234:

The exhibit in Row No. 234 is identical to the exhibit in Row No. 233. Therefore, the same finding applies to this exhibit.

Row No. 235:

The exhibit in Row No. 235 includes the EPC Capital Cost Estimate and the Internal Bechtel Estimate Execution Plan. This exhibit includes detailed technical information. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects and could be used by competitors to Bechtel's detriment. Further, Mr. Hartman's Affidavits provide support for the

steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 236:

The exhibit in Row No. 236 consists of the indicative estimate review package. This exhibit includes detailed cost information. The numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 237:

The exhibit in Row No. 237 consists of excerpts from an estimate presentation. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 238:

The exhibit in Row No. 238 consists of Bechtel's Trend Notice, No. B-186b. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 239:

The exhibit in Row No. 239 consists of a spreadsheet titled: Above ground Pipe Release & Installation Curve. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 240:

The exhibit in Row No. 240 consists of the Trend Transmittal for Concurrence. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 241:

The exhibit in Row No. 241 consists of the Bechtel Trend Notice related to the carbonyl sulfide reactor moved to structure. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 242:

The exhibit in Row No. 242 consists of the Bechtel Trend Notice related to relocation of flow & pressure control valves. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 243:

The exhibit in Row No. 243 consists of the Bechtel Trend Notice related to course slag screen modifications. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 244:

The exhibit in Row No. 244 consists of a letter regarding the TSA with attachments. This exhibit includes detailed technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 245:

The exhibit in Row No. 245 consists of an excerpt of the Engineering Procurement Construction Management ("EPCM") contract between Duke and Bechtel. The EPCM contract includes cost information and detailed technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 246:

The exhibit in Row No. 246 is an excerpt from the Project Scope Book for the IGCC Project. This exhibit includes detailed technical information. The technical information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 247:

The exhibit in Row No. 247 consists of a Quantity Summary Report, Revision 15. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 248:

The exhibit in Row No. 248 consists of a Monthly Field Cost Control Report No. 1. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 249:

The exhibit in Row No. 249 includes a quantity growth sheet and contract packages spreadsheets, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed this information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 250:

The exhibit in Row No. 250 consists of the grey water zero liquid discharge alternatives analysis. This exhibit includes detailed technical information. The technical information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 251:

The exhibit in Row No. 251 consists of the Appendix A Consortium Agreement IGCC Project GE/Bechtel division of responsibility. This exhibit includes technical information. The technical information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's

Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 252:

The exhibit in Row No. 252 consists of spreadsheet tracking July 2008 budget and line items and GE and Bechtel projects. This exhibit includes cost information. The cost information in this exhibit haspotential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 253:

The exhibit in Row No. 253 includes excerpts from Monthly Progress Report No. 15. This exhibit includes information about the quantity of pipe used for the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed this information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 254:

The exhibit in Row No. 254 consists of the supplemental rebuttal testimony of W. Michael Womack. This exhibit includes cost information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 255:

The exhibit in Row No. 255 consists of the Engineering Procurement Construction Management ("EPCM") contract between Duke and Bechtel. The EPCM contract includes cost information and detailed technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 256:

The exhibit in Row No. 256 consists of the supplemental rebuttal testimony of Robert J. Burch. Duke is requesting a final determination of confidentiality as to pages 7-9, 11-24, 27, 29-40, 45-51 and 53-54. The pages in question include technical information about the wastewater portion of the IGCC Project. The technical information in this exhibit has potential value because Duke has developed the information through years of experience working on large

power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 257:

The exhibit in Row No. 257 consists of the responsive testimony of Dr. Patricia D. Galloway. Duke is requesting a final determination of confidentiality as to pages 171, 245 and 267-268. The numbers on page 171 of this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the numbers on page 171. Therefore, the Commission finds that the numbers on page 171 are not subject to disclosure under the Act. However, the information on pages 245 and 267-268 is general in nature and was openly discussed during the public evidentiary hearing, and is subject to disclosure under the Act.

Row No. 258:

The exhibit in Row No. 258 consists of the responsive testimony of Dr. Patricia D. Galloway. Duke is requesting a final determination of confidentiality as to pages 67-69, 72-75, 121-124, 127, 129-130, 132-135, 137-141, 144-150, 154, 161, 163-164, 167-168, 174-175, 177-178, 185-187, 214, 218, 240-242, 249-250, 257-258, 262-263, 265, 272-276, 278-279, 284-289, 291-292, 295, 300-301, 303-311, 313-315, 317-325, 327-328, 330-338, 356-358, 360, 362, 365-366, 377-378, 380, 395, 404-405, 408, 413-416, 418-420, 424-426, 431-432 and 439.

The information on pages 68-69, 132-135, 161, 163-164, 167-168, 174-175, 177-178, 185-187, 257-258, 413-416 and 431-432, which includes both specific numbers and detailed technical information, has potential value for Duke because the disclosure of pricing and technical information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the numbers on pages 68-69, 132-135, 161, 163-164, 167-168, 174-175, 177-178, 185-187, 257-258, 413-416 and 431-432. Therefore, the Commission finds that the information on page 68-69, 132-135, 161, 163-164, 167-168, 174-175, 177-178, 185-187, 257-258, 413-416 and 431-432 are not subject to disclosure under the Act.

However, the evidence fails to indicate how the information on pages 67, 72-75, 121-124, 127, 129-130, 137-141, 144-150, 154, 214, 218, 240-242, 249-250, 262-263, 265, 272-276, 278-279, 284-289, 291-292, 295, 300-301, 303-311, 313-315, 317-325, 327-328, 330-338, 356-358, 360, 362, 365-366, 377-378, 380, 395, 404-405, 408, 418-420, 424-426 and 439, which are more general in nature and lack specific cost, operation or technical details has any value to competitors of Duke, GE or Bechtel so as to qualify as trade secrets. Thus, this information is subject to disclosure under the Act.

Row No. 259:

The exhibit in Row No. 259 includes the IGCC Project, Project Review Meeting slides. This exhibit includes detailed technical information for the IGCC Project. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits

provided support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 260:

The exhibit in Row No. 260 is the Decision Analysis Detailed Report. This exhibit includes a comparison of the IGCC offerings of Conoco Phillips, Fluor and Siemens with that of GE/Bechtel. The information was discussed publicly during the evidentiary hearing in IGCC 4 S1. Furthermore, the evidence fails to indicate how this information has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 261:

The exhibit in Row No. 261 is a document which includes the status of the GE/Bechtel negotiations. The cost information in this exhibit has potential value because the disclosure of pricing and technical information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 262:

The exhibit in Row No. 262 consists of excerpts from the TSA. The excerpts include technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 263:

The exhibit in Row No. 263 consists of an indicative estimate review package. This exhibit includes detailed cost information. The cost information in this exhibit has potential value because the disclosure of pricing and technical information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 264:

The exhibit in Row No. 264 includes a one-page excerpt from the TSA between Duke, Bechtel and GE. The excerpt is general in nature and does not include any cost, operating or technical information. The evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 265:

The exhibit in Row No. 265 includes excerpts from Progress Report No. 12. The detailed information in this exhibit has potential value because Duke has developed the information

through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 266:

The exhibit in Row No. 266 contains several documents including: Progress Report No. 10, Progress Report No. 20, Correspondence regarding notice of acceptance of competition, subcontract work scope & strategy, value engineering meeting minutes and Progress Report No. 1. The detailed technical information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 267:

The exhibit in Row No. 267 includes a letter requesting adjustment to contractor compensation. The detailed information in this exhibit has potential value for Duke because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provides support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 268:

The exhibit in Row No. 268 includes excerpts from the TSA between Duke, Bechtel and GE. The detailed technical information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 269:

The exhibit in Row No. 269 includes a spreadsheet tracking trend numbers and deliverables for the IGCC Project. The detailed information in this exhibit has potential value because competitors could use this information to gain a competitive advantage over Duke. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 270:

The exhibit in Row No. 270 includes the term sheet for EPCM services by Bechtel for Duke. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 271:

The exhibit in Row No. 271 includes an excerpt from Monthly Progress Report No. 17. The excerpt includes detailed cost information for the IGCC Project. The cost information in this exhibit has potential value for Duke because the disclosure of pricing and technical information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 272:

The exhibit in Row No. 272 includes excerpts from the Project Scope Book-Part III, Appendix L-Arrangement Drawings. The excerpt includes detailed drawings of portions of the IGCC Project. The detailed information in this exhibit has potential value because Duke and Bechtel have developed the information through years of experience working with IGCC technology. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 273:

The exhibit in Row No. 273 includes excerpts from the EPC Capital Cost Estimate-Internal Bechtel Estimate Execution Plan. The excerpt includes detailed technical information regarding the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 274:

The exhibit in Row No. 274 includes the Bechtel Estimate Challenge Correspondence. The exhibit includes technical information regarding the IGCC Project, which Mr. Hartman indicated in his Affidavit may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 275:

The exhibit in Row No. 275 includes the Reference Plant, Second Estimate. The exhibit includes cost information regarding the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 276:

The exhibit in Row No. 276 includes the Estimate Presentation, Revision A. The exhibit includes cost information regarding the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 277:

The exhibit in Row No. 277 includes the Estimate Presentation, Revision C. The exhibit includes cost information regarding the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 278:

The exhibit in Row No. 278 includes the cost estimate update draft exhibit-total project line item and analysis. The exhibit includes cost information regarding the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 279:

The exhibit in Row No. 279 consists of excerpts from the TSA. The TSA includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 280:

The exhibit in Row No. 280 consists of excerpts from the Engineering Procurement and Construction Services contract. The exhibit includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 281:

The exhibit in Row No. 281 consists of the Contracting Strategy presented for discussion with Bechtel and GE for the IGCC Project. The exhibit includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 282:

The exhibit in Row No. 282 includes an email regarding the division of responsibility for the IGCC Project. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the

information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 283:

The exhibit in Row No. 283 includes a one-page excerpt from the TSA between Duke, Bechtel and GE. The information on this page was discussed publicly during the public evidentiary hearing in IGCC 4 S1. Furthermore, the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 284:

The exhibit in Row No. 284 includes an email string regarding Bechtel's recommendations for the IGCC Project. The information on this page was discussed publicly during the evidentiary hearing in IGCC 4 S1. Furthermore, the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 285:

The exhibit in Row No. 285 includes the Project Execution Plan to Completion. The evidence fails to indicate how references to personnel changes qualify as trade secrets, having potential economic value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 286:

The exhibit in Row No. 286 includes the IGCC Project site infrastructure. The exhibit includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 287:

The exhibit in Row No. 287 includes a letter regarding contracting strategy changes. The exhibit includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 288:

The exhibit in Row No. 288 includes a letter regarding contracting strategy changes. The exhibit includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 289:

The exhibit in Row No. 289 includes Monthly Progress Report No. 1. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack has provided support in his affidavits for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 290:

The exhibit in Row No. 290 consists of the TSA. The TSA includes cost information and detailed technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 291:

The exhibit in Row No. 291 includes the Power Plant Engineering Supplement-Consortium Agreement, including supplements to the agreement. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 292:

The exhibit in Row No. 292 includes the Project Execution Plan. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 293:

The exhibit in Row No. 293 includes an excerpt from the Engineering, Procurement Construction Management Agreement dated December 15, 2008. The exhibit includes technical information. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits provides support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 294:

The exhibit in Row No. 294 is an excerpt from the Project Scope Book. The detailed information in this exhibit has potential value because Duke has developed the information through years of experience working on large power plants. Further, Mr. Womack's Affidavits

provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 295:

The exhibit in Row No. 295 is a Duke document which describes the contract administration and management procedures to be implemented for the IGCC Project. The detailed information in this exhibit has potential value because Duke has developed these procedures through years of experience working on large power plants. Further, Mr. Womack has provided support in his affidavits for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 296:

The exhibit in Row No. 296 includes excerpts from Monthly Progress Report No. 1. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 297:

The exhibit in Row No. 297 includes excerpts from Monthly Progress Report No. 13. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 298:

The exhibit in Row No. 298 includes the Project Supplemental Cost Report: 23s. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 299:

The exhibit in Row No. 299 includes the Bechtel Trend Notice. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 300:

The exhibit in Row No. 300 includes excerpts from the Monthly Progress Report No. 8. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 301:

The exhibit in Row No. 301 includes the contract for the sale of power generation, gasification island and miscellaneous power island equipment and related services. The detailed information in this exhibit has potential value to Duke's competitors and was developed through years of experience working on large power plants. Further, Mr. Womack has provided support in his affidavits for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 302:

The exhibit in Row No. 302 includes the Evaluation of the Estimate at Final Completion performed by Ernst & Young. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 303:

The exhibit in Row No. 303 includes W. Michael Womack's Phase II responsive testimony. Duke is requesting a final determination of confidentiality as to the highlighted information on page 55 of Mr. Womack's testimony. The cost information on page 55 of Mr. Womack's testimony has potential value for Bechtel because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. Further, Mr. Hartman's affidavits provide support for the steps that Bechtel has taken to protect the numbers on page 55. Therefore, the Commission finds that the numbers on page 55 of Mr. Womack's Phase II Response Testimony are not subject to disclosure under the Act.

Row No. 304:

The exhibit in Row No. 304 includes the notes from Dr. Galloway's interviews with Rob Burch and Dennis Zupan. These documents contain pricing information, the disclosure of which could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 305:

The exhibit in Row No. 305 includes a spreadsheet which includes potential project savings. The exhibit includes cost information, which has potential value because the disclosure

of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 306:

The exhibit in Row No. 306 includes a spreadsheet which includes the second estimate for the reference plant. The exhibit includes detailed and specific estimated cost information. The numbers in this exhibit have potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr.Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 307:

The exhibit in Row No. 307 includes the Bechtel Zero Liquid Discharge System Cost Reconciliation. The cost information in this exhibit has potential value because if the information were publicly disclosed, competitors and customers of Bechtel would be able to bid or negotiate against Bechtel using its internal cost information. The information has potential value for Bechtel. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 308:

The exhibit in Row No. 308 includes Duke's response to the Commission's October 18, 2011 Docket Entry. Duke is seeking a final determination of confidentiality as to its responses to questions 2, 3A and 3B of the Docket Entry. The information includes the cost of the grey water disposal system and the contracts between Duke, GE and Bechtel. The numbers in this exhibit have potential value for Duke, GE and Bechtel because if the information were publicly disclosed, competitors would be able to bid or negotiate using this information. Further, Mr. Womack's affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 309:

The exhibit in Row No. 309 includes excerpts of the Duke and GE contract for the sale of power generation, gasification island and miscellaneous power island equipment and related services. The detailed information in this exhibit has potential value because the information was developed by Duke through years of experience working on large power plants. Further, Mr. Womack's affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 310:

The exhibit in Row No. 310 includes idea forms from an IGCC Value Engineering Workshop. The forms include detailed information on components used for the IGCC Project.

Bechtel claims that this exhibit includes technical information which may harm Bechtel if disclosed. This information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 311:

The exhibit in Row No. 311 includes the IGCC Project Controls and Project Management Process Assessment by Ernst & Young. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 312:

The exhibit in Row No. 312 includes the EPC Capital Cost Estimate and the Internal Bechtel Estimate Execution Plan. This technical information has value because Bechtel has developed the information through years of experience working on large power plants. Further, Mr. Hartman's Affidavits provide support for the steps that Bechtel has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 313:

The exhibit in Row No. 313 consists of excerpts from the TSA. This technical information has value because Bechtel has developed the information through years of experience working on large power plants and other industrial projects. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 314:

The exhibit in Row No. 314 includes the updated trend forecast for the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 315:

The exhibit in Row No. 315 consists of the Engineering Procurement Construction Management ("EPCM") contract between Duke and Bechtel. The EPCM contract includes cost information and detailed technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits

provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 316:

The exhibit in Row No. 316 includes an escalation estimate for the IGCC Project. This exhibit includes cost information and technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 317:

The exhibit in Row No. 317 includes an email with attached escalation information for the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 318:

The exhibit in Row No. 318 includes a two-page excerpt from the TSA between Duke, Bechtel and GE. The information on these pages was discussed publicly during the evidentiary hearing in IGCC 4 S1. Furthermore, the evidence fails to indicate how this exhibit has any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

Row No. 319:

The exhibit in Row No. 319 includes a presentation to the Duke Board of Directors regarding accounting. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 320:

The exhibit in Row No. 320 includes the IGCC Alliance Indicative Estimate. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 321:

The exhibit in Row No. 321 includes a letter which requests a change to the Bechtel's scope of services on the IGCC Project. This exhibit includes detailed cost and technical

information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 322:

The exhibit in Row No. 322 includes a Bechtel executive summary of the IGCC Project. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 323:

The exhibit in Row No. 323 includes a Bechtel Estimate Presentation for the IGCC Project. This exhibit includes detailed cost and technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 324:

The exhibit in Row No. 324 includes an excerpt of the May 30, 2006 TSA. This exhibit includes detailed cost and technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 325:

The exhibit in Row No. 325 includes an excerpt of the February 13, 2006 FEED Study TSA. This exhibit includes detailed cost and technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 326:

The exhibit in Row No. 326 consists of the May 30, 2006 Amendment No. 1 to the FEED TSA along with Exhibits 1 and 2 to the Amendment No. 1, and Attachment No. 2 to Amendment No. 2. The exhibit includes cost information and detailed technical information. The cost information in this exhibit has potential value because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors.

Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 327:

The exhibit in Row No. 327 consists of the Bechtel Estimate-Executive Summary. The exhibit includes cost information. The CAC does not contest Duke's designation of confidentiality for this exhibit. The numbers in this exhibit have potential value for Duke because the disclosure of pricing information could place Duke at a competitive disadvantage during future negotiations with vendors. Further, Mr. Womack's Affidavits provide support for the steps that Duke has taken to protect the information in this exhibit. Therefore, the Commission finds that this exhibit is not subject to disclosure under the Act.

Row No. 328:

The exhibit in Row No. 328 includes portions of the deposition of James L. Turner. The information included in Mr. Turner's deposition is general in nature. Furthermore, the topics covered in Mr. Turner's deposition were discussed publicly during the evidentiary hearing in IGCC 4 S1. Additionally, the evidence fails to indicate how this exhibit may have any value to competitors of Duke, GE or Bechtel. Therefore, the Commission finds that this exhibit is subject to disclosure under the Act.

6. **Exhibits subject to disclosure under the Access to Public Records Act.** The Commission has determined that certain of the above referenced exhibits are subject to disclosure under the Act. Therefore, these exhibits should be filed with the Commission in unredacted form within thirty (30) days of the date of this Order.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Duke shall file unredacted copies of the information described above that the Commission has determined is subject to disclosure under the Act, within thirty (30) days of the date of this Order.

2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, MAYS AND ZIEGNER CONCUR; LANDIS ABSENT:

APPROVED: JUN 06 2012

I hereby certify that the above is a true and correct copy of the Order as approved.

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission