

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of)
Stand Energy Corporation for)
Certification as a Retail Natural)
Gas Supplier)

Case No. 02-2549-GA-CRS

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STAND ENERGY CORPORATION'S
RENEWED MOTION FOR PROTECTIVE ORDER AND WAIVER
FOR CERTAIN CRNGS RENEWAL EXHIBITS

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Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C."),
Stand Energy Corporation ("Stand") respectfully moves the Public Utilities Commission
of Ohio ("PUCO") to renew the protective order to protect the confidentiality of, and
thereby prohibit the disclosure of, certain documents filed simultaneously under seal with
this motion. Stand further renews its request for a waiver of the 18-month renewal
requirement of Rule 4901-1-24(F).

The documents at issue, are required as part of the process of recertification as an
approved Retail Natural Gas Supplier in Ohio. Specifically, Exhibit B-3 (Summary of
Experience); Exhibit C-3 (Financial Statements); Exhibit C-4 (Financial Arrangements);
and Exhibit C-7 (Credit Report) are proprietary and sensitive financial information. The
documents have been marked "Confidential", and are herewith filed under seal
simultaneous with the timely filing of Stand's 2006 Application for Re-Certification as a

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Competitive Retail Natural Gas Supplier. A memorandum in support of this motion is attached.

Respectfully submitted,

STAND ENERGY CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that there are no parties of record in this case other than Stand Energy this 3rd day of November, 2006.

John M. Dosker
JOHN M. DOSKER

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Stand Energy Corporation for)	Case No. 02-2549-GA-CRS
Certification as a Retail Natural)	
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**MEMORANDUM IN SUPPORT OF STAND ENERGY CORPORATION'S
RENEWED MOTION FOR PROTECTIVE ORDER AND WAIVER
FOR CERTAIN CRNGS RENEWAL EXHIBITS**

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Simultaneous with the filing of this Motion for Protective Order, Stand Energy Corporation ("Stand") has filed its Application with the Public Utilities Commission of Ohio for Re-Certification as a Competitive Retail Natural Gas Supplier. One section of the Application requests detailed financial information, which was previously filed under seal because the documents contain proprietary and sensitive financial information relative to Stand that is not generally known to the public. R.C. §1333.61(D) defines financial information, *inter alia*, as a "trade secret." While this information is being made available to the Commission in order for it to perform its evaluation, the applicant's financial information should not be made available to parties that are not directly charged by the legislature with authority to review that Application or the general public. Similarly, the general public should not have access to this information because Stand Energy is a privately-owned company.

The Commission has requested information regarding Stand's: summary of experience (Exhibit B-3); financial statements (Exhibit C-3); financial arrangements (Exhibit C-4); and credit report (C-7). Public disclosure of this strategic information and these proprietary financial documents could have a material and profoundly detrimental

impact on Stand Energy's ability to compete in the marketplace. Therefore Stand Energy renews its request and motion that the Commission and Staff maintain the confidential nature of these documents and protect the documents from public disclosure.

Rule 4901-1-24(D), O.A.C. provides for the issuance of an order necessary to protect the confidentiality of information contained in documents filed at the Commission, where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. The strategic information requested in Application Exhibit B-3 and the financial information requested in Application Exhibits C-3, C-4 and C-7 is competitively sensitive and highly proprietary strategic business and financial information clearly falling within the statutory definition of "trade secret":

"Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

- (1) It 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.
- (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

R.C. 1333.61(D).

Public disclosure of Stand Energy's strategic and financial information could jeopardize Stand Energy's business position in negotiations with third parties and potentially compromise Stand Energy's ability to compete. Stand Energy respectfully asserts that the strategic information contained in Application Exhibit B-3 and the financial information contained in Application Exhibits C-3, C-4 and C-7 is not generally

known by the public and is held in strict confidence in the normal course of business. Ohio law prohibits the release of information meeting the definition of a trade secret. Conversely, non-disclosure of this information will not impair the purposes of Title 49 as the Commission and its Staff will have full access to the requested information to complete their review process – the only legitimate use of the requested financial information. This strategic and financial information is now the subject of Stand's reasonable efforts to maintain its secrecy to prevent unauthorized disclosure or use. Both prongs of the statutory analysis favor confidentiality of Stand's financial information. Therefore, Stand reasonably requests that the strategic and financial information contained in Exhibits B-3 and C-3, C-4 and C-7 be deemed to contain trade secrets, and thus, continue to be treated as confidential by the Commission and its Staff.

In addition to the Motion For Protective Order, Stand requests a waiver of Rule 4901-1-24(F) O.A.C.¹ The necessity, as specified in that Rule, of filing additional motions every 18 months to renew the protective order is unduly burdensome and time consuming for both the Retail Natural Gas Supplier and the Commission. Certainly, very little could transpire during any such period that would make the information less sensitive or less confidential. Consequently, Stand requests that the Commission grant a waiver from Rule 4901-1-24(F) and permanently maintain protection of Stand's financial information from public disclosure, subject to further order of the Commission.

WHEREFORE, for the reasons stated herein, Stand requests that the Commission grant its Motion for Protective Order.

Respectfully submitted,

STAND ENERGY CORPORATION

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¹ "Unless otherwise ordered, any order prohibiting public disclosure pursuant to paragraph (D) of this rule shall automatically expire eighteen months after the date of its issuance, and such information may then be included in the public record of the proceeding."