

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Integrys)
Energy Services, Inc. for Certification as a) Case No. 02-1506-GA-CRS
Competitive Retail Natural Gas Supplier.)

ENTRY

The attorney examiner finds:

- (1) On July 1, 2010, Integrys Energy Services, Inc. (Integrys Energy) filed an application for renewal of its certification as a competitive retail natural gas supplier. On that same day, Integrys Energy also filed a motion for a protective order, pursuant to Rule 4901-1-24(D), Ohio Administrative Code (O.A.C.), requesting that exhibit C-5 of its application be kept under seal. This exhibit contains forecasted financial statements for 2010 and 2011.
- (2) In support of its motion for protective order, Integrys Energy explains that exhibit C-5 contains competitively sensitive and highly proprietary business financial information which is not generally known or available to the general public. Therefore, Integrys Energy requests that the information found in exhibit C-5 should be treated as confidential.
- (3) The attorney examiner has examined the information covered by the motion for protective order filed by Integrys Energy, as well as the assertions set forth in the supportive memorandum. Applying the requirements that the information have independent economic value and be the subject of reasonable efforts to maintain its secrecy pursuant to Section 1333.61(D), Revised Code, as well as the six-factor test set forth by the Ohio Supreme Court,¹ the attorney examiner finds that the information contained in exhibit C-5 of Integrys Energy's application constitutes trade secret information. Release of these documents is, therefore, prohibited under state law. The attorney examiner also finds that nondisclosure of this information is not inconsistent with the purposes of Title 49 of the Revised Code. Finally, the attorney examiner concludes

¹ See *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, (1997) 80 Ohio St.3d 513, 524-525.

that this document could not be reasonably redacted to remove the confidential information contained therein. Therefore, the attorney examiner finds that Integrys Energy's motion for protective order is reasonable with regard to exhibit C-5 of its application and should be granted.

- (4) Rule 4901-1-24(D)(4), O.A.C., provides for protective orders relating to gas marketers' certification renewal applications to expire after 24 months. The attorney examiner finds that the 24-month provision in Rule 4901-1-24(D)(4), O.A.C., is intended to synchronize the expiration of protective orders related to gas marketers' certification applications with the expiration of their certification and that the expiration dates should allow adequate time for consideration of any motion for extension. Therefore, confidential treatment shall be afforded to exhibit C-5 for a period ending 24 months from the effective date of the certificate issued to Integrys Energy, or until August 3, 2012. Until that date, the docketing division should maintain, under seal, exhibit C-5, which was filed under seal in this docket on July 1, 2010.
- (5) Rule 4901-1-24(F), O.A.C., requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If Integrys Energy wishes to extend this confidential treatment, it should file an appropriate motion at least 45 days in advance of the expiration date. If no such motion to extend confidential treatment is filed, the Commission may release this information without prior notice to Integrys Energy.

It is, therefore,

ORDERED, That the motion for protective order filed by Integrys Energy be granted with regard to the information contained in exhibit C-5 of Integrys Energy's application. It is, further,

ORDERED, That the Commission's docketing division maintain, under seal, the unredacted exhibit C-5, which was filed under seal in this docket on July 1, 2010, for a period of 24 months, ending on August 3, 2012. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

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/vrm

Entered in the Journal

SEP 16 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary