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In the Matter of the Application of T.E.S.   )
Energy Services, L.P. for Certification as   )   Case No. 11-1209-GA-AGG
a Competitive Retail Natural Gas Broker   )

MOTION FOR PROTECTIVE ORDER

Applicant T.E.S. Energy Services, L.P. (hereinafter, "T.E.S.") by and through

counsel, moves pursuant to Ohio Administrative Code 4901-1-24(D), for the entry of a

Protective Order to designate as confidential its responses to questions C-3, C-5 and C-7 IN the

Commission's Certification Application for Competitive Retail Natural Gas Brokers. These

questions seek information and records which T.E.S. considers confidential and proprietary

TRADE SECRETS, and which are maintained as confidential by the Company. Public

disclosure of this information could be potentially harmful to T.E.S.'s competitive position as an
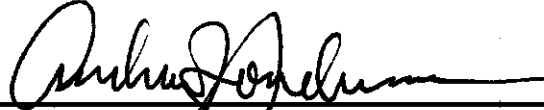
energy provider.

T.E.S. notes that on March 7, 2011, its Office Manager filed (prior to representation of

counsel) a document styled as a motion seeking confidential treatment for Exhibit C-3 (Financial

Statements), without understanding the requirement that the Applicant be represented by counsel

for purposes of filing such a motion. On March 21, its Office Manager filed a similar document

styled as a motion seeking confidential treatment of Exhibits C-5 (Forecasted Financial

Statements) and C-7 (Credit Report), and attaching a statement regarding Exhibit C-5 for

inclusion in the record, again without understanding that the filing of such a motion can only be

undertaken by counsel. Counsel notes that the Docketing Division has sealed the documents

submitted with the filings of March 7 and March 21, but only one copy of each document for

which confidential treatment was requested was submitted. In compliance with Rule 4901-1-

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24(D), T.E.S. hereby submits two additional copies of Exhibit C-3, C-5 and C-7 marked "Confidential" and submitted under seal.

T.E.S. asks further that its responses to any requests for additional information or clarification which Staff might make with regard to these same requests also be permitted to be filed under seal, pursuant to the same Protective Order requested herein. The grounds supporting this Motion are fully explained in the attached Memorandum.

Respectfully submitted,

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MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER

T.E.S. is Texas Limited Partnership registered as a Foreign Limited Partnership on February 11, 2011 by filing with the Ohio Secretary of State. On March 7, 2011 it filed its Application for Certification as a Competitive Retail Natural Gas Broker with this Commission.

In that Application, Question C-3 asks for "copies of the applicant's two most recent years of audited financial statements (balance sheet, income statement, and cash flow statement)"; Question C-5 asks for "two years of forecasted financial statements (balance sheet, income statement, and cash flow statement) for the applicant's CRNGS operation, along with a list of assumptions, and the name and address ... of the preparer"; and C-7 requires a copy of Applicant's current credit report from Experion, Dun and Bradstreet or a similar organization. T.E.S. gladly provides this information to the Commission, but asks that it be subject to Protective Order due to the confidential, proprietary nature of this information and because its public disclosure might be injurious to T.E.S.'s competitive position. It is submitted that this is private information, in that T.E.S. as a limited partnership engaged solely in consultation relating to energy management and the brokering of supply arrangements for its customers and does not make public disclosure of the requested information through SEC filings or otherwise. As such, and given the intense competition in the CRNGS arena, this information is a legitimate trade secret, access to which could negatively affect Applicant's competitive position.
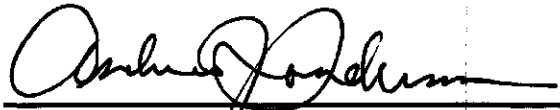
This request for a Protective Order is reasonable, necessary and will not prejudice any other party or individual. In fact, to the extent T.E.S.'S ability to compete effectively is preserved, Ohio consumers will be better served. Fair competition is the philosophical basis for the CRNGS statute and implementing regulations.

Applicant notes that a similar Motion for Protective Order by an applicant for certification as a competitive retail natural gas broker with respect to the same three exhibits was granted by Entry dated March 1, 2011, *In the Matter of the Application of BidURenergy, Inc. for Certification as a Competitive Retail Natural Gas Broker,* Case No. 11`-17-GA-AGG.

For the foregoing reasons, T.E.S Energy Services, L.P. respectfully requests that a Protective Order be issued which permits it to file its responses to CRNG Broker's Application Questions C-3, C-5 and C-7 under seal and requires those with access to those responses to treat them in a confidential manner. T.E.S Energy Services, L.P. further requests that should Staff seek any additional information or clarification with regard to its responses to Question C-3, C-5 or C-7, those also be permitted to be filed under seal and subject to the same Protective Order.

In compliance with Ohio Administrative Code 4901-01-24(D)(2), two additional unredacted copies of the confidential information in response to Questions C-3 and C-5 are being submitted under seal.

Respectfully submitted,

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