

FILE

7

2011 APR 22 PM 1:30

RECEIVED-DOCKETING DIV

PUCO

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Consumer Energy Solutions, Inc. for) Case No. 11-2321-EL-AGG
Certification as a Competitive Retail)
Power Broker)

MOTION FOR PROTECTIVE ORDER

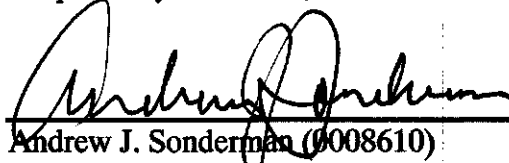
Applicant Consumer Energy Solutions, Inc. (hereinafter, "Consumer Energy") by and through counsel, moves pursuant to Ohio Administrative Code 4901-1-24(D), for the entry of a Protective Order to designate as confidential its supplemental responses to questions C-3 and C-5 in the Commission's Certification Application for Aggregators/Power Brokers. These questions seek information and records which Consumer Energy 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 Consumer Energy's competitive position as an energy provider. Consumer Energy filed its Application in this proceeding on April 6, 2011.

Consumer Energy asks further that its responses to any subsequent 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.

Consumer Energy requests that the Protective Order be effective for a period of 24 months from the effective date of the certificate issued to it in this proceeding.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed APR 22 2011

Respectfully submitted,



Andrew J. Sonderman (0008610)
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
(614) 462-5496 (telephone)
(614) 464-2634 (fax)
asonderman@keglerbrown.com
Counsel for Applicant,
Consumer Energy Solutions, Inc.

MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER

Consumer Energy Solutions, Inc. is a Florida Corporation organized in 1999, registered as a Foreign For Profit Corporation on March 22, 2011 by filing with the Ohio Secretary of State. It will operate under the assumed name of Consumer Energy Solutions of Florida, Inc. in Ohio.

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 CRES operation, along with a list of assumptions, and the name and address ... of the preparer.” Subsequently, Consumer Energy received a request from the Commission Staff to supplement its responses to these questions. Consumer Energy gladly provides this supplemental 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 the Company's competitive position. It is submitted that this is private information, in that Consumer Energy is a corporation 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 CRES 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 Consumer Energy's ability to compete effectively is preserved, Ohio consumers will be better served. Fair competition is the philosophical basis for the CRES statute and implementing regulations.

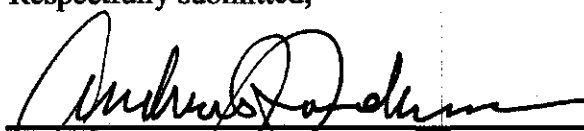
Applicant notes that a similar Motion for Protective Order, filed by T.E.S. Energy Services, L.P. with respect to its recently-approved Application for certification as a competitive retail natural gas broker with respect to Exhibits C-3, C-5 and C-7, was granted by Entry dated April 14, 2011, *In the Matter of the Application of T.E.S. Energy Services, L.P. for Certification as a Competitive Retail Natural Gas Broker*, Case No. 11-1209-GA-AGG. It is submitted that the basis for the Attorney Examiner to grant the Motion with respect Applicant's pending motion is equally compelling here as it was in that proceeding.

For the foregoing reasons, Consumer Energy Solutions, Inc. respectfully requests that a Protective Order be issued which permits it to file its supplemental responses to CRES Broker's Application Questions C-3 and C-5 under seal and requires those with

access to those responses to treat them in a confidential manner for a period of 24 months from the effective date of the certificate issued in this proceeding. Consumer Energy Solutions, Inc. further requests that should Staff seek any additional information or clarification with regard to its supplemental responses to Question C-3 and C-5, 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), three unredacted copies of the confidential information in supplemental responses to Questions C-3 and C-5 are being submitted under seal with this Motion.

Respectfully submitted,



Andrew J. Sonderman (0008610)
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
(614) 462-5496 (telephone)
(614) 464-2634 (fax)
asonderman@keglerbrown.com
Counsel for Consumer Energy Solutions,
Inc.

**Forecasted Financials
Consumer Energy Solutions, Inc.**

1. CASH ON HAND

total current assets

2. CASH RECEIPTS

total revenues

3. TOTAL CASH AVAILABLE

[before cash out] (1+2)

4. TOTAL OPERATING EXPENSES

5. CASH POSITION

[end of year] (4-5)

1:29 PM
04/11/11
Cash Basis

Consumer Energy Solutions, Inc.
Profit & Loss
November 2009 through October 2010

Nationwide Extra Exp

- A-C Repairs
- Accounting
- Advertising
- Consultant
- Consultant-Technician
- Equip Lease
- Equip Rental
- Grounds
- Interest Expense
- Janitorial
- Kitchen supplies
- Moving Expenses
 - Cleaner Up
 - Extra Payroll
 - Extra Workers
 - Moving Co.
 - Wiring

Total Moving Expenses

- Pest control
- Rent
- RentStorage Rental
- Repairs
- Security
- Telephone
- Utilities
- Water

Total Nationwide Extra Exp

Office Supplies & Expenses

- Computer Supplies
- Shipping & Handling
- Telephone Supplies
- Office Supplies & Expenses - Other

Total Office Supplies & Expenses

- Parking
- Postage and Delivery
- Printing and Reproduction
- Professional Development
- Professional Fees
 - Accounting
 - Consultants
 - Data Entry
 - Legal Fees
 - Other

Total Professional Fees

- Rent
- Repairs
 - Building Repairs
 - Equipment Repairs
 - Janitorial Exp

Total Repairs

- Security
- Staff Benefits
- Storage
- Taxes
- Telephone
- Travel & Ent
 - Meals
 - Travel

Total Travel & Ent

1:29 PM
04/11/11
Cash Basis

Consumer Energy Solutions, Inc.
Profit & Loss
November 2009 through October 2010

Utilities
Internet
Total Utilities
Verification Cost
Total Expense

Net Ordinary Income
Other Income/Expense
Other Income
Tax Refund
Total Other Income

Net Other Income

Net Income