



ORIGINAL

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of
Patriot Energy Group, Inc.
For a Renewal Certification
As an Aggregator/Power Broker

Case No. 09-741-EL-AGG

MOTION FOR PROTECTIVE ORDER

Pursuant to the provisions of Rule 4901-1-24(0) of the Ohio Administrative Code ("O.A.C."), Patriot Energy Group, Inc. ("Patriot Energy") respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a protective order to protect the confidentiality and prohibit disclosure and dissemination of certain documents filed with this motion, in the above-captioned case. The documents in Exhibit C-3, "Financial Statements," Exhibit C-5, "Forecasted Financial Statements," Exhibit C-6, "Credit Rating" and Exhibit C-7 "Credit Report" contain competitively sensitive and proprietary business financial information comprised of trade secrets. These documents have been clearly marked as being "confidential" and are hereby filed under seal, separate from the remainder of the materials that comprise Patriot Energy's Renewal Application for Aggregators/Power Brokers filed contemporaneously with this Motion.

The grounds for the instant Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT OF MOTION

As part of its renewal Application materials, the Public Utilities Commission of Ohio ("Commission") requests information regarding Patriot Energy Group, Inc.'s ("Patriot Energy") two-year historical financial statements (Exhibit C-3), two years of forecasted financial statements (Exhibit C-5), its current credit rating (Exhibit C-6) and its credit report (Exhibit C-7) (collectively, the "Financial Exhibits.") Patriot Energy has submitted the requested information under seal because the Financial Exhibits contain competitively sensitive and highly proprietary business financial information that requires confidential treatment. Consequently, Patriot Energy requests that the Commission maintain the confidential nature of these documents and the information contained therein and to protect the Financial Exhibits from public disclosure.

Rule 4901-1-24(D) of the Ohio Administrative Code ("OAC"), provides for the issuance of an order that is necessary to protect the confidentiality of information contained in documents filed at the Commission to the extent that state and federal laws prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Ohio Revised Code ("R.C."). State law recognizes the need to protect information that is confidential in nature, as is the information in the Financial Exhibits. Section 4928.06(F), R.C, specifically permits the Commission to grant confidentiality to competitive information in that it states that "[t]he commission shall take such measures as it considers necessary to protect

the confidentiality of such information." Non-disclosure of the Financial Exhibits will not impair the purposes of Title 49 as the Commission and its Staff will have access to the information they need to complete the Renewal Application review process.

The documents and information contained in the Financial Exhibits are comprised of competitively sensitive and highly proprietary business financial information falling within the statutory characterization of a trade secret as defined by Section 1333.61(D), R.C.¹ Clearly, both historical and projected financial statements, as well as credit reports as set forth in the Financial Exhibits contain proprietary data and are confidential. Public disclosure or dissemination of this information, when put together with information that is publicly available would jeopardize Patriot Energy's business position and ability to compete by allowing its competitors to know its financial situation, not only in Ohio but across the jurisdictions served by Patriot Energy. Patriot Energy generally protects the information contained in the Financial Exhibits, so that it is not generally known by the public and is held in confidence in the ordinary and normal course of business. In fact, under ordinary circumstances the information in the Financial Exhibits would only be known to certain individuals within Patriot Energy and only disseminated outside Patriot Energy to individuals or entities pursuant to a non-disclosure agreement or in situations with similar guarantees of confidentiality.

Therefore, Patriot Energy reasonably requests that the identified financial information contained in the Financial Exhibits be considered trade secrets, and thus, be treated as confidential by this Commission and its Staff.

¹ R.C. 1331.61 (D) defines trade secret as: "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 subject of efforts that are reasonable under the circumstances to maintain its secrecy."

WHEREFORE, Patriot Energy respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "LAFrate, CEO", is written over a horizontal line.

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