

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Palmer Energy Company, Inc.	)	Case No. 10-1081-EL-AGG
for a Certificate to Provide Competitive	)	
Retail Electric Service in Ohio	)	

In the Matter of the Application of	)	
Palmer Energy Company, Inc.	)	Case No. 10-1082-GA-AGG
for a Certificate to Provide Competitive	)	
Retail Natural Gas Service in Ohio	)	

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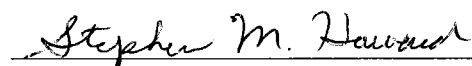
**MOTION TO EXTEND PROTECTIVE ORDERS**

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Now comes Palmer Energy Company, Inc. (“Palmer Energy”), seeking to extend the protective orders to keep two financial exhibits (Exhibits C-3 and C-5) to its initial applications for certification confidential and not part of the public record. Palmer Energy acknowledges that it is filing this motion subsequent to the date that Rule 4901-1-24(D) of the Ohio Administrative Code prescribes for filing such a motion. However, Palmer Energy submits that Exhibit C-3 and C-5 (submitted on August 5, 2010) have not yet been released to the public and that good cause exists for extending protective treatment for these two exhibits. The reasons underlying this motion to extend are detailed in the attached Memorandum in Support.

WHEREFORE, Palmer Energy Company, Inc. respectfully moves that the Commission extend confidential treatment for Exhibits C-3 and C-5 (submitted on August 5, 2010) in both of these cases.

Respectfully submitted,

  
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Counsel for Palmer Energy Company, Inc.

**MEMORANDUM IN SUPPORT OF  
MOTION TO EXTEND PROTECTIVE ORDERS**

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On August 5, 2010, Palmer Energy filed applications in both Case No. 10-1081-EL-CRS and 10-1082-GA-CRS. Palmer Energy filed motions seeking protective treatment in both cases for Exhibits C-3 and C-5, both of which were submitted under seal in both cases. On October 21 and 22, 2010, the Attorney Examiner granted Palmer Energy Company motions for protective orders indicating that Exhibit C-3 and C-5 would be protected for twenty-four months. The Attorney Examiner stated that if Palmer wished to extend this confidential treatment, it should file an appropriate motion at least forty-five days in advance of the expiration date. Palmer acknowledges that the date for filing such a motion would have been in early September, 2012 and that Palmer did not file such a motion by that date. However, Palmer submits that there are two reasons constituting good cause why its motion to extend protective treatment should be granted.

First, in its October 21 and 22, 2010 Entries, the Attorney Examiner analyzed the six factor test the Ohio Supreme Court has used in determining whether information is a trade secret. See State Ex Rel The Plain Dealer v Ohio Dept. of Ins. (1997) 80 Ohio St. 3d 513, 524-525. Those six factors include:

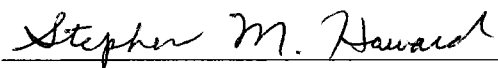
- (a) The extent to which the information is known outside the business;
- (b) The extent to which it is known to those inside the business, i.e. by the employees;
- (c) The precautions taken by the holder of the trade secret to guard the secrecy of the information;
- (d) The savings affected and the value to the holder in having the information as against competitors;
- (e) The amount of effort or money expended in obtaining and developing the information;
- (f) The amount of time and expense it would take for others to acquire and duplicate the information.

Despite the passage of two years, applying these factors today produces the same conclusion that Exhibits C-3 and C-5 constitute trade secret information. The financial information is still not known outside the business and is still only known to a few employees. Palmer Energy still takes precautions to guard the secrecy of this information. If a competitor had this information, it would still be very valuable to it when it comes to competing against Palmer Energy. It took time and effort to develop these financial statements and financial forecasts. Without this information, it would still take time and expense for others to acquire and duplicate this information. Thus, even though over twenty-four months has passed, this information should still be considered as a trade secret.

But there is another reason why the Commission or the Attorney Examiner should extend protective treatment for these exhibits. Recently, the Staff has been conducting workshops to consider amendments of its electric and natural gas certification rules. At least on an informal basis, the Staff has suggested that it might be appropriate to consider extending the initial twenty-four month period that documents are kept under seal to a longer period of time. Palmer Energy Company asks that the Commission at least extend confidential treatment to its Exhibits C-3 and C-5 (submitted on August 5, 2010) to a point in time when the Commission amends its rules and considers lengthening the initial time period that documents are treated as confidential.

For the foregoing reasons, Palmer Energy Company submits that good cause exists for extending the protective treatment for these two exhibits and respectfully requests that the Commission or an Attorney Examiner extend the protective order with respect to Exhibit C-3 and C-5 that were submitted in August of 2010.

Respectfully submitted,



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Summary: Motion Motion to Extend Protective Orders electronically filed by Mr. Stephen M Howard on behalf of Palmer Energy Company, Inc.