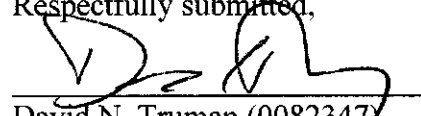


Consistent with the Commission's rules, specifically Section 4901-1-24(D) of the Ohio Administrative Code, BidUREnergy has filed under seal three unredacted copies of Amended Exhibit C-5 to its renewal application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Truman', is written over a horizontal line.

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of BidUREnergy, Inc.)	Case No. 11-0017-GA-AGG
for Renewal of its Certification as a Competitive Retail)	
Natural Gas Broker/Aggregator)	

Memorandum in Support

BidUREnergy, Inc. was originally certified as a Competitive Retail Natural Gas Broker/Aggregator on February 3, 2011 (Certificate No. 11-209G(1)). When it filed its original application for certification, BidUREnergy requested confidentiality with respect to its financial statements and projected financial statements. BidUREnergy filed its application for renewal of its certification as a Competitive Retail Natural Gas Broker/Aggregator (the "Renewal Application") on January 28, 2013, along with a Motion for Protective Order. The Renewal Application also includes confidential information in Exhibit C-3 "Financial Statements" and Exhibit C-5 "Forecasted Financial Statements". BidUREnergy inadvertently filed Exhibit C-5 with incorrect information. Despite the error, the information filed in Exhibit C-5 is proprietary and requires a protective order. The company's Motion for Protective Order as to the Renewal Application is pending.

BidUREnergy has now filed a Motion to Amend Exhibit C-5 and seeks a protective order for the Amended Exhibit C-5. BidUREnergy has provided this sensitive information under seal pursuant to Section 4901-1-24(D) of the Ohio Administrative Code because its disclosure would place BidUREnergy at a significant competitive disadvantage in a highly competitive market.

Section 4901-1-24(D) provides that the Public Utilities Commission of Ohio (“Commission”) may, upon motion of a party, “issue any order which is necessary to protect the confidentiality of the information contained in [a] document” filed with the Commission’s docketing division “to the extent that state or federal law prohibits release of the information, including where the information is deemed by the [C]ommission... to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.”

The Supreme Court of Ohio has established a six-factor test for determining whether information constitutes a trade secret:

(1) The extent to which the information is known outside the business; (2) the extent to which it is known inside the business, *i.e.*, by the employees; (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information; (4) the savings effected and the value to the holder in having the information as against competitors; (5) the amount of effort or money expended in obtaining and developing the information; and (6) the amount of time and expense it would take for others to acquire and duplicate the information.

Al Minor & Assoc., Inc. v. Martin (2008), 117 Ohio St. 3d 58, 61 (citing *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.* (1997), 80 Ohio St.3d 513, 524). Based on the foregoing factors, the information in BidUREnergy’s Amended Exhibit C-5 clearly constitutes trade secrets.

BidUREnergy is a private corporation whose financial projections are not known outside the company and are shared only with select employees inside the company. BidUREnergy has provided the information in Amended Exhibit C-5 to the Commission only under seal and with the expectation that its Motion for Protective Order will be granted. BidUREnergy has consistently treated this information as trade secrets. Further, the financial forecast is critical to the company’s planning and operations and exists as the result of a great deal of effort and

expense. Finally, BidUREnergy's financial forecast would be virtually impossible for competitors or others to acquire or duplicate if the Commission grants this Motion.

In the normal course of BidUREnergy's business, financial forecasts are treated as proprietary and confidential and are not disclosed to anyone outside the company unless required by law. BidUREnergy is actively engaged in Ohio's competitive retail electric service and natural gas markets. Disclosure of the company's financial forecast would harm BidUREnergy's ability to compete, especially against other aggregators and brokers who have been allowed by the Commission to maintain confidentiality of their own financial statements and projections.

For all of the aforementioned reasons, BidUREnergy respectfully requests that the Commission maintain all of BidUREnergy's financial statements and financial forecasts, marked as Exhibits C-3 and C-5 and Amended Exhibit C-5, under seal and grant this Motion for Protective Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Truman', is written over a horizontal line.

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