

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application	)	
of COSE Group Services, Inc.	)	Case No.: 14-1653
for Certification as a Competitive	)	
Retail Natural Gas Marketer	)	

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**MOTION FOR PROTECTIVE ORDER  
OF COSE GROUP SERVICES, INC.**

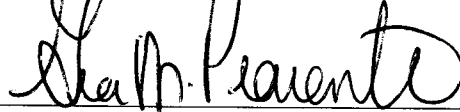
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Applicant COSE Group Services, Inc. (hereinafter, "COSE" or "Applicant") by and through counsel, hereby moves pursuant to Ohio Administrative Code 4901-1-24(0), for the entry of a Protective Order designating as confidential its response to Exhibits C-3: "Financial Statements" in the Commission's Application for Certification as a Competitive Retail Natural Gas Marketer (filed on the same date as this Motion). COSE considers the information submitted in connection with Exhibit C-3 confidential and proprietary trade secrets, which are subject to protection from disclosure under Ohio law.

COSE further asks 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. Finally, COSE requests that the Protective Order be effective for a period of twenty-four (24) months from the effective date of the certificate issued to it in this proceeding.

The grounds supporting this Motion are fully explained in the attached Memorandum in Support.

Respectfully submitted,  
**THE WELDELE & PIACENTINO  
LAW GROUP CO., LPA**



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*Counsel for Applicant,*

*COSE Group Services, Inc.*

### **MEMORANDUM IN SUPPORT**

COSE is an Ohio corporation and is registered with the Ohio Secretary of State to do business in Ohio.

Exhibit C-3 of the Application requests "copies of the applicant's two most recent Years of audited financial statements (balance sheet, income statement, and cash flow statement)."

COSE requests that the information designated as confidential (Exhibit C-3) to its Application for Certification as a Competitive Retail Natural Gas Marketer be protected from public disclosure. If said information is released to the public, COSE would suffer substantial harm as its competitors would have access to COSE's proprietary information.

The need to protect the types of information that are the subject of this Motion is recognized under Ohio law. Ohio Admin. Code 4901-1-24 provides:

"Upon motion of any party or person with regard to the filing of a document with the commission's docketing division relative to a case before the Commission... the

attorney examiner may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by ... the attorney examiner 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 Commission would have full access to the information in order to fulfill its statutory obligations and the nondisclosure of said information will not frustrate the purposes of Title 49 of the Revised Code.

Under the Ohio Uniform Trade Secrets Act, a "Trade Secret" is defined as:

(D) 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 the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Ohio Rev. Code §1333.61.

The Ohio Supreme Court has adopted a six factor test to analyze whether information is a trade secret under Ohio Rev. Code § 1331.61: (1) The extent to which the information is known outside the business; (2) the extent to which it is known to those 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 off time and expense

it would take for others to acquire and duplicate the information. *State ex rel. Plain Dealer v. Ohio Dep't of Ins.*, 80 Ohio St. 3d 513, 687 N.E. 2d 661 (1998) (citations omitted).

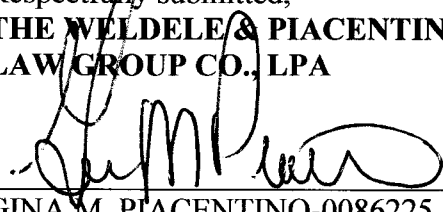
COSE gladly provides the information requested in Exhibit C-3 to the Commission, but asks that it be subject to Protective Order due to the confidential, proprietary nature of this information and because its public disclosure might be injurious to the Company's competitive position. COSE engages solely in brokering relating to energy management 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 Competitive Retail Natural Gas Service arena, this information is a legitimate trade secret, access to which could negatively affect COSE'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 COSE'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.

For all of the foregoing reasons, COSE respectfully requests that a Protective Order be issued which permits it to file its responses to the Commission's Application for Certification as a Competitive Retail Natural Gas Marketer, Exhibit C-3, under seal and requires those with access to those responses to treat them in a confidential manner for a period of twenty-four (24) months from the effective date of the Certificate issued in this proceeding. COSE further requests that should Staff seek any additional information or clarification with respect to Exhibit C-3, those also be permitted to be filed under seal and subject to the same Protective Order. In compliance with Ohio Administrative Code 4901-1-24, three (3) un-

redacted copies of the confidential information in response to Exhibit C-3 are being submitted under seal with this Motion.

Respectfully submitted,  
**THE WELDELE & PIACENTINO  
LAW GROUP CO., LPA**

A handwritten signature in black ink, appearing to read 'Gina M. Piacentino', is written over a horizontal line.

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 14-1653-GA-AAP**

Summary: Motion COSE Group Services, Inc. Motion for Protective Order in conjunction with COSE Group Services, Inc. Certification Application Competitive Retail Natural Gas Suppliers electronically filed by Ms. Gina M Piacentino on behalf of COSE Group Services, Inc