

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of its Rules for Competitive Retail Natural)
Gas Service Contained in Chapters) Case No. 12-925-GA-ORD
4901:1-27 through 4901:1-34 of the Ohio)
Administrative Code.)

In the Matter of the Commission's Review)
of its Rules for Competitive Retail Electric)
Service Contained in Chapters 4901:1-21) Case No. 12-1924-EL-ORD
and 4901:1-24 of the Ohio Administrative)
Code.)

ENTRY

The Commission finds:

- (1) In the above-captioned cases, pursuant to the Revised Code, the Commission reviewed its rules regarding competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) contained in Ohio Adm.Code Chapters 4901:1-21 and 4901:1-24, and 4901:1-27 through 4901:1-34, respectively.
- (2) Initially, the Commission finds that stakeholders should be on notice that the effective date for amended Ohio Adm.Code Chapters 4901:1-21 and 4901:1-24, and 4901:1-27 through 4901:1-34 shall be December 1, 2014.
- (3) Next, the Commission will address procedure related to amendments in the rules regarding confidential information and motions for protective order. As part of its review, the Commission amended Ohio Adm.Code Chapters 4901:1-24 and 4901:1-27 to permit applicants for certification to file certain financial exhibits under seal in order to receive automatic protected status for a period of six years. These financial exhibits include financial statements, financial arrangements, and forecasted financial statements.
- (4) Prior to the Commission's amendment of the rules in the above-captioned cases, various companies filed applications for certification as CRNGS suppliers, applications for

certification as CRES suppliers, and applications for certification as CRNGS and/or CRES aggregators. In conjunction with their certification applications, companies filed motions for protective order, pursuant to Ohio Adm.Code 4901:1-24(D), pertaining to Exhibits C-3 (financial statements), C-4 (financial arrangements), and C-5 (forecasted financial statements) of their applications, which were filed under seal.

- (5) This Entry serves to facilitate the implementation of the new process set forth in the newly adopted rules in Ohio Adm.Code Chapters 4901:1-24 and 4901:1-27. Consequently, the Commission finds that the following process should be implemented:

- (a) In coherence with Ohio Adm.Code 4901:1-24-08(A) and 4901:1-27-08(A), all pending motions for protective order regarding the financial information contained in Exhibits C-3, C-4, and C-5, in cases filed with case codes AGG, CRS, or GAG, shall be granted for a six-year period ending on December 31 six years after the date of the certificate for which the information was filed (e.g. confidential exhibits filed in conjunction with a certificate dated February 1, 2008, will be protected until December 31, 2014). Similarly, in coherence with Ohio Adm.Code 4901:1-24-08(B) and 4901:1-27-08(B), all pending motions for protective order regarding other information filed by CRES and CRNGS applicants in cases filed with case codes AGG, CRS, or GAG, if filed in conformance with Ohio Adm.Code 4901:1-24-07 or 4901:1-27-07, shall be granted for a six-year period ending on December 31 six years after the date of the certificate for which the information was provided.¹

¹ The Commission notes that these pending motions for protective order are being granted for expediency and this finding should not be construed as precedent in the Commission's future consideration of motions for protective order.

- (b) All existing protective orders that were granted after January 1, 2008, that regard the financial information contained in Exhibits C-3, C-4, and C-5, in cases filed with case codes AGG, CRS, or GAG, shall be extended until December 31 six years after the date of the certificate for which the information was provided (e.g., a protective order granted for information filed in conjunction with a certificate dated February 1, 2008, will be protected until the extended date of December 31, 2014, rather than the date specified in the original entry granting the motion for protective order). Similarly, all existing protective orders regarding other information filed by CRES and CRNGS applicants in cases filed with case codes AGG, CRS, or GAG, shall be extended until December 31 six years after the date of the certificate for which the information was provided.
- (c) Henceforth, if a CRES or CRNGS provider files a financial exhibit specified in Ohio Adm.Code 4901:1-24-08(A) or 4901:1-27-08(A), in cases filed with case codes AGG, CRS, or GAG, the protective treatment will be granted for a period ending on December 31 of the sixth year following the date of the certificate for which the information was filed (e.g. financial information filed in conjunction with a certificate dated February 1, 2015, will be protected until the six-year period expires on December 31, 2021), unless the Commission or an attorney examiner rules otherwise. Additionally, if a CRES or CRNGS applicant files a protective order regarding other information in a case filed with case codes AGG, CRS, or GAG, in accordance with 4901:1-24-08(B) or 4901:1-27-08(B), and the motion is approved, protective treatment will be granted for a period ending on December 31 of the sixth year following the date of the certificate for which the information was filed,

unless the Commission or an attorney examiner rules otherwise.

- (d) All documents filed under seal in cases filed with case codes AGG, CRS, or GAG in conjunction with certificates dated prior to January 1, 2008, shall be released into the open record 30 days from the date of this Entry, absent a request for an extension of protective treatment.
- (e) Annually, commencing on January 1, 2015, all documents filed under seal in cases filed with case codes AGG, CRS, or GAG in conjunction with certificates dated six years or more prior to that annual January 1 date shall be released into the open record on that annual January 1 date, absent a request for an extension of protective treatment.
- (6) The Commission notes that Ohio Adm.Code 4901-1-24(F) requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If any company wishes to extend confidential treatment beyond the periods specified in Finding (5), it should file an appropriate motion at least 45 days in advance of the expiration date. If no such motion to extend confidential treatment is filed, the Commission may release the information without prior notice to the company.

It is, therefore,

ORDERED, That pending motions for protective order specified in Finding (5) be granted in accordance with Finding (5). It is, further,

ORDERED, That existing protective orders covering information specified in Finding (5) be extended as set forth in Finding (5). It is, further,

ORDERED, That financial information and motions for protective order specified in Finding (5) be protected and granted, respectively, as set forth in Finding (5). It is, further,


ORDERED, That the Commission's Docketing Division maintain, under seal, the information filed under seal specified in Finding (5) for the time periods specified in Finding (5). It is, further,

ORDERED, That the Commission's Docketing Division release into the open record the information specified in Finding (5) when it reaches the age specified in Finding (5). It is, further,

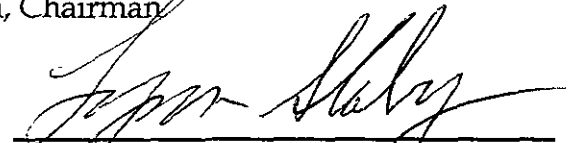
ORDERED, That a copy of this Entry be served upon each party of record, all certified competitive retail natural gas service providers in Ohio, and all certified competitive retail electric service providers in Ohio. It is, further,

ORDERED, That a copy of this Entry be served upon the Gas-Pipeline List-Serve and the Electric-Energy Industry List-Serve.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

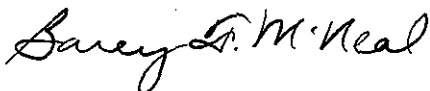
M. Beth Trombold

Asim Z. Haque

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OCT 15 2014



Barcy F. McNeal
Secretary