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April 13, 2015

*Via Hand Delivery*

Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

RE: *In the Matter of Annual Alternative Energy Portfolio Status Report of Nordic Energy Services, LLC.*

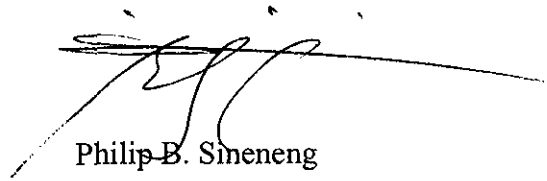
*In the Matter of the Report of Nordic Energy Services, LLC, Concerning its Plan for Compliance with Advanced and Renewable Energy.*

Case No. 15- 714 -EL-ACP

Dear Clerk:

Enclosed, please find an original and four copies of both the Confidential and Public Versions of the *Motion of Nordic Energy Services, LLC for Protective Order* in the above-referenced matter. Please file the attached (**the confidential version is to be filed under seal**) and have one time-stamped copy of each returned to me. Thank you.

Very truly yours,



Philip B. Sineneng

Enclosures

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This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician AM Date Processed APR 13 2015

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Annual Alternative Energy )  
Portfolio Status Report of Nordic Energy )  
Services, LLC. )  
In the Matter of the Report of Nordic Energy )  
Services, LLC, Concerning its Plan for )  
Compliance with Advanced and Renewable Energy.)

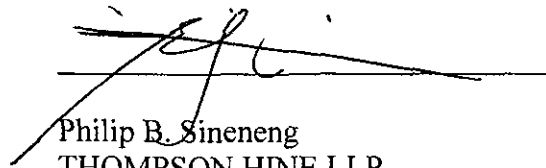
Case No. 15- 714 -EL-ACP

**MOTION OF NORDIC ENERGY SERVICES, LLC FOR PROTECTIVE ORDER**

Now comes Nordic Energy Services, LLC ("Nordic"), by its attorneys, Thompson Hine LLP, through Philip B. Sineneng, pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, and moves for a protective order keeping its Ten Year Forecast provided in the above-referenced reports confidential and not part of the public record. The reasons underlying this motion are detailed in the attached Memorandum in Support. A redacted copy of this confidential information has been filed concurrently in the public docket. An unredacted copy of the information is submitted under seal.

Respectfully submitted,

**NORDIC ENERGY SERVICES, LLC**



Philip B. Sineneng  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, Ohio 43215-6101  
Phone: (614) 469-3200  
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[Philip.Sineneng@ThompsonHine.com](mailto:Philip.Sineneng@ThompsonHine.com)

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**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Annual Alternative Energy	)	
Portfolio Status Report of Nordic Energy	)	
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	)	Case No. 15-_____-EL-ACP
In the Matter of the Report of Nordic Energy	)	
Services, LLC, Concerning its Plan for	)	
Compliance with Advanced and Renewable Energy.)	)	

**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

Now comes Nordic Energy Services, LLC (“Nordic”), by its attorneys, Thompson Hine LLP, through Philip B. Sineneng, and requests that its Ten Year Forecast provided in the above-referenced reports, designated as confidential and/or proprietary in the accompanying filing, be protected from public disclosure.

Nordic’s Ten Year Forecast is, in Nordic’s opinion, highly sensitive, confidential, trade secret, and proprietary information. It is appropriate to protect such information from disclosure. Knowledge of projected sales and projected RECs can be used to determine Nordic’s business plan, projections and future marketing strategies. Nordic does not disclose this information to any person or entity in the public domain.

Section 4901-1-24(D) of the Commission’s rules provides that the Commission or certain designated individuals may issue an order which is necessary to protect the confidentiality of information contained in documents 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 . . . to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.” As set forth herein, state law prohibits the release of the information which is the subject of this motion.

Moreover, the non-disclosure of the information will not impair the purposes of Title 49. The Ohio Supreme Court has clarified that the “state or federal law” exemption of Section 4901-1-24(D) is intended to cover trade secrets. State ex rel. Besser v. Ohio State, 89 Ohio St.3d 396, 399 (2000). The Commission and its staff have full access to the information provided by Nordic necessary to monitor Nordic’s compliance with applicable rules; thus no purposes of Title 49 would be served by the public disclosure of the information.

Ohio law defines a trade secret as “information . . . 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” and “(2) [i]t is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” Ohio Revised Code, Section 1333.61(D). The Ohio Supreme Court has adopted the following six factors to be used in analyzing a claim that information is a trade secret under that section: (1) the extent the information is known outside the business; (2) the extent the information is known to those inside the business (i.e., by employees); (3) the precautions taken by the holder of the trade secrets to guard their secrecy; (4) the savings effected and value to the holder of the trade secrets in having the information protected 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. State ex rel. The Plain Dealer v. Ohio Dept. of Ins., 80 Ohio St.3d 513, 524-525 (1997). The information provided here is considered a trade secret by Nordic. The information is generally not shared outside of the company, except with the Ohio Public Utilities Commission; and internally, only Nordic’s managerial and executive staff and employees are aware of the information. Nordic takes great

precaution to protect its trade secrets, the trade secrets are of great value to Nordic, and sharing them would affect Nordic's competitiveness in the market. The need to protect the designated information from public disclosure is clear, and there is compelling legal authority supporting the requested protective order. While the Commission has often expressed its preferences for open proceedings, the Commission also long ago recognized its statutory obligations with regard to trade secrets:

The Commission is of the opinion that the "public records" statute must also be read in pari materia with Section 1333.13, Revised Code ("trade secrets" statute). The latter statute must be interpreted as evincing the recognition, on the part of the General Assembly, of the value of trade secret information.

In re General Telephone Co., Case No. 81-383-TP-AIR (Entry, February 17, 1982). Likewise, the Commission has facilitated the protection of trade secrets in its rules (O.A.C. § 4901-1-24(A)(7)).

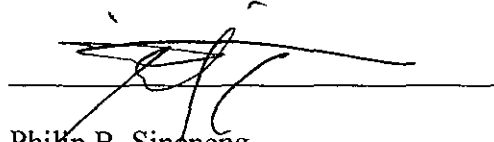
The information is privileged and confidential commercial information, the disclosure of which to competitors or potential competitors would cause competitive harm to Nordic. Included in the information is projected sales data that could be used to derive confidential trade information and market sensitive information regarding Nordic's intended provision of services to customers in Ohio. This information is not publicly available, and it is not information Nordic would willingly share with its competitors. No public interest would be served by the disclosure of the confidential information submitted by Nordic.

Nordic's Ten Year Forecast should be protected from disclosure. That information is precisely the type of information which companies go to great length to keep private. Knowledge by a competitor would do great harm to Nordic in the marketplace.

For the foregoing reasons, Nordic requests that the designated information be protected from public disclosure and kept under seal.

Respectfully submitted,

**NORDIC ENERGY SERVICES, LLC**

A handwritten signature in black ink, appearing to read 'Philip B. Sineneng', is written over a horizontal line.

Philip B. Sineneng  
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[Philip.Sineneng@ThompsonHine.com](mailto:Philip.Sineneng@ThompsonHine.com)

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### COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER ALTERNATIVE ENERGY RESOURCES REPORT FOR CALENDAR YEAR 2014

Nordic Energy Services, LLC (hereinafter the "ORES") in accordance with Sections 4928.64 and 4928.65, Revised Code and Commission Rules 4901:1-40-03 and 4901:1-40-05 hereby submits this Annual Alternative Energy Report ("AER") detailing compliance with the Ohio Alternative Energy Portfolio Standards.

#### 1. Determination that an Alternative Energy Resource Report is required.

During calendar year 2014, the CRES states that it conducted retail sales of generation to Customers who utilized the generation in a load center located within the state of Ohio.

#### 2. Determination of the sales baseline for 2014.

Actual metered load served in 2013 will be used for the determination of the baseline sales.  
1,512 MWh

#### 3. Determination of the number of Solar and Total Renewable Energy Credits (RECs) required and statement of the number of RECs claimed.

Types	(a) No. of RECs Required	(b)No. of RECs Obtained	(c)Registry
Solar	2	2	PJM-GATS
Non Solar	36	36	PJM-GATS
Total	38	38	PJM-GATS

(a) Column (a) above represents the unadjusted number of Solar and Total RECs required for the CRES in 2014. The determinations were calculated by multiplying the baseline sales by 0.12% for Solar RECs and 2.5% for Total RECs. Total RECs include both Solar and Non Solar RECs.

(b) The CRES states that it has obtained the number of Solar and Non Solar RECs listed in column (b) above for 2014.

(c) The CRES used PJM GATS registry for the RECs detailed above.

#### 4. Compliance.

The CRES states that it has obtained the required number of Solar and Total RECs without adjustments permitted pursuant to Rule 4901:1 -40-05(A)(3).

#### 5. Ten Year Forecast

(a) In accordance with Rule 4901:1-40-03(c), the CRES hereby provides a projection for the next ten (10) years of Solar and Non Solar RECs.

The CRES began serving customers during 2013 and continues to grow and establish new customer contracts in Ohio. Because the CRES is not a utility with a stable customer base, it is very difficult to

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accurately project load in the next ten (10) years. Accordingly, since we do not have any contracts beyond 2018, we assumed our load would remain the same and the REC obligation was calculated based on this load.

### Ten Year Forecast

#### a. Ten Year Forecast of Solar and Non-Solar RECs

In accordance with Rule 4601:1-40-03© the CRES hereby provides a projection for the next 10 years for RECs ad Solar RECs

Year	Estimated Sales in kWh	Estimate Solar	Estimated Non-Solar	Estimated Total RECs
2015	REDACTED	REDACTED	REDACTED	REDACTED
2016	REDACTED	REDACTED	REDACTED	REDACTED
2017	REDACTED	REDACTED	REDACTED	REDACTED
2018	REDACTED	REDACTED	REDACTED	REDACTED
2019	REDACTED	REDACTED	REDACTED	REDACTED
2020	REDACTED	REDACTED	REDACTED	REDACTED
2021	REDACTED	REDACTED	REDACTED	REDACTED
2022	REDACTED	REDACTED	REDACTED	REDACTED
2023	REDACTED	REDACTED	REDACTED	REDACTED
2024	REDACTED	REDACTED	REDACTED	REDACTED
2025	REDACTED	REDACTED	REDACTED	REDACTED

#### b. Supply Portfolio projection

Nordic plans to obtain required RECs via bilateral purchases and PPA agreements.

#### c. Methodology used to evaluate compliance

The projections are based on load currently under contract. We then applied the solar and non-solar RECs required each year. Since Nordic does not have any load under contract beyond 2018, we assumed our load would remain the same and the REC obligation was calculated based on this load.

#### d. Comments on any perceived impediment(s) to achieving compliance with the solar and non-solar REC requirements, as well as any discussion addressing such impediments.

Supply and pricing constraints are the only impediments the CRES foresees in meeting REC requirements.

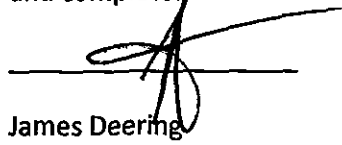
## 6. Conclusion



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Based on the foregoing, the CRES respectfully requests that the Commission find that the CRES has complied with renewable energy benchmarks for 2014.

I, James Deering, certify that I am the President and CEO of Nordic Energy Services, LLC and state to the best of my knowledge and ability, all the information contained in the foregoing Competitive Retail Electric Service Provider Alternative Energy Resource Report for Calendar Year 2014 are true, accurate and complete.

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

James Deering  
Nordic Energy Services, LLC

**CONFIDENTIAL**  
**Compliance Plan Status Report for Compliance Year 2014**  
**Summary Sheet**

For details on determining your compliance baseline, please refer to 4928.643, Ohio Revised Code (ORC), and 4901:1-40-03 of the Ohio Administrative Code (OAC).

Questions may also be posed to Staff at the following email address:

AEPS@puc.state.oh.us

	Sales Unadjusted (MWHs)	Proposed Adjustments (MWHs)	Sales Adjusted (MWHs)	Source of Sales Volume Data
2011	0	0	0	(A)
2012	0	0	0	(B)
2013	1,512	0	1,512	(C)
<b>Baseline for 2014 Compliance Obligation (MWHs)</b>			1,512	(D) = AvgABC
(Note: If using 2014 sales as your baseline, insert that figure in cell I14 and indicate in box to right if 2014 sales are adjusted or not. <span style="border: 1px solid black; padding: 2px;">I.e., Not Adjusted</span> )				
2.50%	<b>2014 Statutory Compliance Obligation</b>			
	2014 Non-Solar Renewable Benchmark		2.38%	(E)
	2014 Solar Renewable Benchmark		0.12%	(F)
	Per ORC, 4928.64(B)(2)			
<b>2014 Compliance Obligation</b>				
	Non-Solar RECs Needed for Compliance		36	(G) = (D) * (E)
	Solar RECs Needed for Compliance		2	(H) = (D) * (F)
<b>Carry-Over from Previous Year(s), if applicable</b>				
	Non-Solar (RECs)		0	(I)
	Solar (S-RECs)		0	(J)
<b>Total 2014 Compliance Obligations</b>				
	Non-Solar RECs Needed for Compliance		36	(K) = (G) + (I)
	Solar RECs Needed for Compliance		2	(L) = (H) + (J)
<b>2014 Performance (Per GATS or MRETS Data)</b>				
	Non-Solar (RECs)		36	(M)
	Solar (S-RECs)		2	(N)
<b>Under Compliance in 2014, if applicable</b>				
	Non-Solar (RECs)		0	(O) = (K) - (M)
	Solar (S-RECs)		0	(P) = (L) - (N)
<b>2014 Alternative Compliance Payments</b>				
	Non-Solar, per REC (Refer to Case 14-0746-EL-ACP)		\$49.22	(Q)
	Solar, per S-REC - per 4928.64(C)(2)(a)		\$300.00	(R)
<b>2014 Payments, if applicable</b>				
	Non-Solar Total		\$0.00	(S) = (O) * (Q)
	Solar Total		\$0.00	(T) = (P) * (R)
	<b>TOTAL</b>		<b>\$0.00</b>	(U) = (S) + (T)

This compliance worksheet was developed by Staff for internal review purposes. However, it may be useful for your company in preparation of its RPS annual compliance status report for the 2014 compliance year. Your company is not required to include this form in its filing, but that is an option. If using this form, your company should insert data in the blue shaded boxes (as applicable). The remaining cells should auto-calculate. However, you should still independently verify the accuracy of the calculations. Questions concerning this worksheet can be addressed to Stuart.Slegfried@puc.state.oh.us