

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative Energy Portfolio Status Report for 2009 of Direct Energy Business, LLC.	)	Case No. 10-497-EL-ACP
	)	
In the Matter of the Alternative Energy Portfolio Status Report for 2010 of Direct Energy Business, LLC.	)	Case No. 11-2469-EL-ACP
	)	
In the Matter of the Alternative Energy Portfolio Status Report for 2011 of Direct Energy Business, LLC.	)	Case No. 12-1232-EL-ACP
	)	
In the Matter of the Alternative Energy Portfolio Status Report for 2012 of Direct Energy Business, LLC.	)	Case No. 13-0890-EL-ACP
	)	

ENTRY ON REHEARING

The Commission finds:

- (1) On April 2, 2015, the Commission issued a Finding and Order in these cases (April 2, 2015 Compliance Order) that, among other things, found that Direct Energy Business, LLC. (DEB or Company), an electric services company as defined in R.C. 4928.01(A)(9), had complied with its alternative energy portfolio status obligations under R.C. 4928.64 and 4928.645 (formerly R.C. 4928.65 prior to the enactment of 2014 Sub.S.B. No. 310) for the 2009 through 2012 reporting periods. The April 2, 2015 Compliance Order also denied the Company's pending motions for protective orders in Case Nos. 11-2469-EL-ACP, 12-1232-EL-ACP, and 13-890-EL-ACP, but granted DEB 30 days to renew its request for protective treatment of historical data.
- (2) R.C. 4903.10 provides that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the issuance of the order.

- (3) On May 1, 2015, DEB filed an application for rehearing and motion for protective order, pursuant to R.C. 4903.10, requesting. In their sole assignment of error the Company requests continued confidential treatment of the projected sales and corresponding REC requirements for a ten-year period filed in Case Nos. 10-497-EL-ACP, 11-2469-EL-ACP, and 13-890-EL-ACP. No memoranda contra has been filed, and DEB's request for rehearing is limited solely to protection of the projected data filed under seal. The Company notes that recent changes to Ohio Adm.Code 4901:1-24-08 now allows financial statements and forecast data filed with an application for certification to be protected for a six-year period. DEB requests similar treatment here for all projected data, or at a minimum, for a two-year period as now allowed under Ohio Adm.Code 4901-1-24.
- (4) The Company's request for rehearing does not extend to Case No. 12-1232-EL-ACP, since DEB did not file any ten-year forecast data under seal in that case. Accordingly, the Commission's Docketing Division is directed to make all materials filed under seal in Case No. 12-1232-EL-ACP publicly accessible no earlier than 31 days following the issuance of this Entry.
- (5) As noted in Finding 9 of the April 2, 2015 Compliance Order, an entry was issued on January 5, 2011 in Case No. 10-497-EL-ACP granting protection of the redacted information from public disclosure for a period of 18 months, but the Company failed to timely file a motion to renew confidential treatment. However, as the Company's ten-year projection of sales and corresponding REC requirements has not yet been publicly released, we will grant DEB's application for rehearing and motion for protective order with respect to the projected information filed in that docket. The Commission's Docketing Division is directed to make the first and second pages of the Company's 2009 report filed under seal on April 15, 2010 in Case No. 10-497-EL-ACP publicly accessible no earlier than 31 days following the issuance of this Entry. The third page of the report shall remain under seal for twenty-four months from the issuance of this Entry, pursuant to Ohio Adm.Code 4901-1-24.
- (6) With respect to the projected data filed in Case Nos. 11-2469-EL-ACP and 13-890-EL-ACP, the Company's application for

rehearing and motion for protective order are granted for a period of twenty-four months from the date of issuance of this Entry, pursuant to Ohio Adm.Code 4901-1-24. The Docketing Division is directed to redact the ten-year forecast projections shown under paragraph IV(a) on the second page of DEB's report filed under seal on April 15, 2011 in Case No. 11-2469-EL-ACP, as well as the ten-year forecast data shown under paragraph 5 on the third page of DEB's report filed under seal on April 12, 2013 in Case No. 13-890-EL-ACP, and thereafter publish all other previously redacted materials filed under seal in Case Nos. 11-2469-EL-ACP and 13-890-EL-ACP no earlier than 31 days following the issuance of this Entry.

It is, therefore,

ORDERED, That the Company's application for rehearing is granted solely with respect to the protection of the projected data filed under seal in Case Nos. 10-497-EL-ACP, 11-2469-EL-ACP and 13-890-EL-ACP for twenty-four months from the issuance of this Entry, pursuant to Ohio Adm.Code 4901-1-24. It is, further,

ORDERED, That the Docketing Division release all materials filed under seal, except the projected data indicated above, in Case Nos. 10-497-EL-ACP, 11-2469-EL-ACP and 13-890-EL-ACP no earlier than 31 days from the issuance of this order. It is, further,

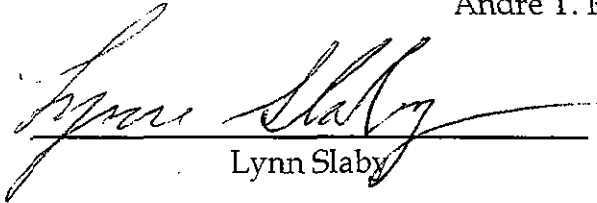
ORDERED, That the Docketing Division release all materials filed under seal in Case No. 12-1232-EL-ACP no earlier than 31 days from the issuance of this order. It is, further,

ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



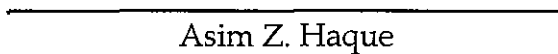
Andre T. Porter, Chairman



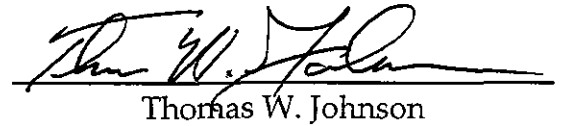
Lynn Slaby



M. Beth Trombold



Asim Z. Haque

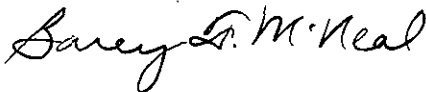


Thomas W. Johnson

RMB/dah

Entered in the Journal

**MAY 20 2015**



Barcy F. McNeal  
Secretary