

IN THE MATTER OF TELCO PROS INC.  
FOR RENEWAL OF CERTIFICATE TO  
CONTINUE TO PROVIDE POWER  
BROKER AND AGGREGATION  
SERVICES UNDER ITS EXISTING  
CERTIFICATE.

**MOTION TO EXTEND PROTECTIVE  
ORDER AND KEEP FINANCIAL  
STATEMENTS UNDER SEAL**

A Memorandum In Support is enclosed.

/s/ Marcus Pryor II

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FOR RENEWAL OF CERTIFICATE TO  
CONTINUE TO PROVIDE POWER  
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**MEMORANDUM IN SUPPORT OF**  
**MOTION TO EXTEND PROTECTIVE**  
**ORDER AND KEEP FINANCIAL**  
**STATEMENTS UNDER SEAL**

On July 18, 2014, the Commission issued a protective order for Telco Pros Inc., d/b/a TPI Efficiency Consulting (TPI), protecting TPI's financial statements from public disclosure. The financial statements are contained in Exhibits C-3 and C-5, which were filed in conjunction with TPI's applications for certification as a competitive retail natural gas and power broker/aggregators (Case No. 14-0946-GA-GAA) and certification as a competitive retail electric provider (Case No. 14-0947-EL-AGG). Specifically, the Commission found that "exhibits C-3 and C-5 of Telco Pros' applications constitute trade secrets" and contain financial statements that would be detrimental to TPI if publicly released.<sup>1</sup>

The Ohio Administrative Code allows specifically for financial statements to be filed under seal and be protected from public disclosure for a period of six years. This law, Ohio Adm. Code 4901:1-24-08, went into effect on December 1, 2014. Prior to this date, certified brokers and aggregators were required to request protective orders to protect this information pursuant to the

2739329.1

general law that protects trade secrets. *State ex-rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525, 687 N.E.2d 661 (1997); Ohio Adm. Code 4901:1-24; R.C. 1333.61(D). In light of the new law, protective orders issued under the guise of a trade secret are now entitled to six years of protection instead of the two years that general trade secrets receive.

Furthermore, the Commission has stated both that this is the proper application of the new law and that it applies retroactively, *In the Matter of the Commission's Review of its Rules*, Case Nos. 12-0925-GA-ORD and 12-1924-EL-ORD, journalized on October 15, 2014. Specifically, the Commission explained:

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.

*Id.* at p. 3, (b).

Here, TPI's protective order is set to expire on June 27, 2016. As such, following the Commission's guidance that protective orders should automatically be extended to six years instead of the initial two, TPI requests that Exhibits C-3 and C-5 from its 2014 application remain under seal until December 31, 2020.

### III. CONCLUSION

For the foregoing reasons, TPI respectfully requests that the Commission grant this motion.

Respectfully submitted,

/s/ Marcus Pryor II

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Attorney for Telco Pros Inc.

# EXHIBIT A

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

- (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,


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,

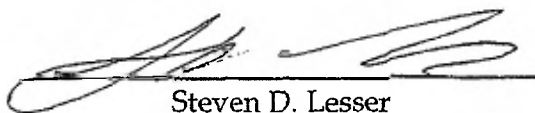
ORDERED, That the Commission's Docketing Division release into the open record the information specified in Finding (5) when it reaches the age specified in Finding (5). It is, further,

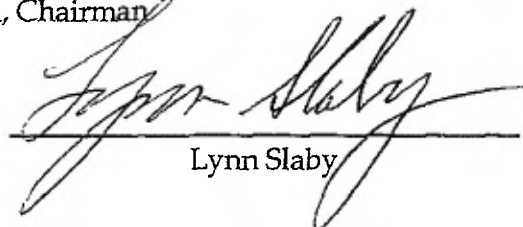
ORDERED, That a copy of this Entry be served upon each party of record, all certified competitive retail natural gas service providers in Ohio, and all certified competitive retail electric service providers in Ohio. It is, further,

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

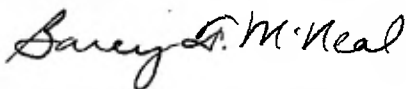
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M. Beth Trombold

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Asim Z. Haque

MWC/sc

Entered in the Journal

**OCT 15 2014**



Barcy F. McNeal  
Secretary



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

**Commission of Ohio Docketing Information System on**

**6/27/2016 4:56:33 PM**

**in**

**Case No(s). 14-0947-EL-AGG**

Summary: Motion Motion to extend protective order and keep financial statements under seal electronically filed by Mr. Marcus H. Pryor II on behalf of Telco Pros Inc. and Zona, Roger Mr.