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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

North Shore Energy Consulting, LLC :
: Case No. 09-0793-EL-AGG
For Retail Electric Generation Providers :
And Power Marketers :
:
:

MOTION FOR PROTECTIVE ORDER TO PROTECT CONFIDENTIAL AND
PROPRIETARY INFORMATION OF NORTH SHORE ENERGY CONSULTING,
LLC.

North Shore Energy Consulting, LLC ("NSEC" or "Movant") pursuant to 83
III. Adm. Code. 200.430, hereby moves the Public Utilities Commission of Ohio
("Commission") for a protective order to protect portions of NSEC's Renewal
Application for Competitive Retail Electric Generation Providers and Power
Marketers ("Application") filing from disclosure for not less than two years to
protect highly confidential and proprietary commercial information included
therein. The Application contains financial statements marked as Exhibits C-3
and C-5 that NSEC believes should be treated by the Commission as
confidential. In support of this motion, NSEC states as follows:

Background

Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C.") provides for
the issuance of an order that is necessary to protect the confidentiality of
information contained in documents filed at the Commission to the extent that
state and federal laws prohibit the release of such information and where non-
disclosure of the information is not inconsistent with the purposes of Title 49 of

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the Revised Code ("R.C"). State law recognizes the need to protect information that is confidential in nature, and is the information in Exhibits C-3 and C-5. Section 4928.06(F), R.C., specifically permits the Commission to grant confidentiality to competitive information:

"The Commission shall take such measures as it considers necessary to protect the confidentiality of any such information." Public non-disclosures of the information contained in Exhibit C-3 and C-5 of the application will not impair the purposes of Title 49 as the Commission and its Staff will have access to the information they need to complete the review process.

Simultaneously with the filing of this Motion, Movant has filed its Certification Application for Retail Electric Generation Providers and Power Marketers. Certain information included in the Report is, in Movant's opinion, highly sensitive confidential, trade secrets and proprietary information ("Proprietary information"). Specifically, the Movant seeks protection of the following information, which has been removed from the public version of the report and noted with a "Redaction" stamp:

1. Exhibit C-3 discloses NSEC's financial statements ("Financial Data")

The Financial Data is confidential and proprietary. For the reasons outlined below, NSEC request confidential treatment of all the Financial Data.

- a. The Financial Data is Confidential

The Financial Data contains confidential financial information. NSEC maintains that this data, by definition, qualifies for protection. Further, this data could be utilized to determine market share, sales and "financial success." The

Financial Data is not information that NSEC has, or would, disclose to any person or entity in the public domain.

B. Disclosure of the Financial Data would harm NSEC

NSEC's Financial Data is privileged and confidential commercial information, the disclosure of which to competitors would cause competitive harm to NSEC. The Financial Data is on its face confidential, and also could be used to derive confidential trade information and market sensitive information regarding NSEC's provision of services to customers in Ohio.

The electric service industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the Financial Data be avoided for a period of at least two (2) years because of the harm which disclosure of such information would likely cause NSEC.

The Financial Data can be used by NSEC's competitors, or others, to determine NSEC's market share, sales success, product-line success, and business structure via an understanding of its contractual relationship. This information is not publicly available, and it is not information NSEC would willingly share with its competitors.

Disclosure of NSEC's Financial Data will cause NSEC competitive harm. NSEC's competitors can use that information to attempt to drive NSEC out of business. Accordingly, NSEC seeks the requested protection.

Disclosure of commercial information like NSEC's financial statements and market share data is harmful to a company like NSEC because it gives

NSEC's competitors insight into information about NSEC's relative position in the marketplace. It lets those competitors know where NSEC is focusing its efforts.

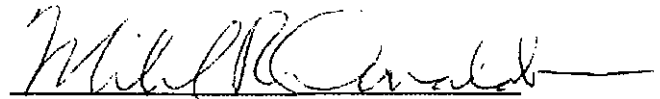
Once NSEC's competitors become aware of NSEC's market, sales success, product-line success, and business structure, those competitors would be able to adjust their marketing strategies to respond to competition from NSEC. Competition is good; unfair competition is not. Utilizing confidential financial data and market share data to a competitor's detriment is not fair. Further, proprietary financial data can be utilized to price NSEC out of the market in a specific area in order for the competitor to gain market share. NSEC is of the opinion that disclosure of its Financial Data will not only be detrimental to NSEC and its competitive well-being, but ultimately to customers as well when a lack of competition results in price increases.

In summary, the harm that would result if NSEC's Financial Data is not treated as proprietary is twofold. First, the data could be used by NSEC's competitors to determine NSEC's market share, sales volumes, product-lines and product-line success, and business structure. This information could be unfairly and improperly used by the competitors against NSEC in several ways, including via misleading advertising or predatory pricing targeted and intended to diminish NSEC's market share and drive them out of the market completely. This will cause the second harmful result: decreased competition and increased prices. NSEC maintains that by definition, the Financial Data is worthy of protection without any further showing. As such, NSEC respectfully requests that

the Commission enter an Order granting proprietary status to NSEC's Financial Data for a period of two years, without hearing.

WHEREFORE, NSEC Energy Consulting, LLC, respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than two (2) years, the above referenced information that was submitted as part of NSEC's Renewal Application for Retail Electric Generation Providers and Power Marketers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael R. Donaldson", with a horizontal line extending to the right.

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