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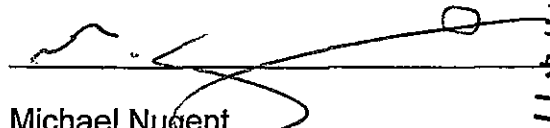
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Alternative Energy Portfolio Standard) Case No: 19-0854-EL-ACP
Report to the General Assembly for the)
2018 Compliance Year)
)

MOTION FOR PROTECTIVE ORDER

Interstate Gas Supply, Inc. ("IGS"), by its attorneys and pursuant to Rule 4901-1-24(D), Ohio Administrative Code ("OAC"), move for a protective order keeping confidential the designated confidential and/or proprietary information concurrently filed under seal with this motion in the above-captioned docket. The information for which protective treatment is sought is IGS' renewable energy credit ("REC") purchase amount ("Confidential Information") contained in the Commission's Alternative Energy Portfolio Standard Report to the General Assembly for the 2018 Compliance Year ("Correspondence"). A confidential, unredacted version of the Correspondence has been filed concurrently with this motion under seal with the Commission. The reasons underlying this motion are detailed in the attached Memorandum in Support. Consistent with the requirements of Rule 4901-1-24(D), OAC, three unredacted copies of the Correspondence have been simultaneously filed under seal.

Respectfully submitted,


Michael Nugent
Email: Michael.Nugent@igs.com
Interstate Gas Supply, Inc.
6100 Emerald Parkway

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***Attorney for Interstate Gas Supply,
Inc.***

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Alternative Energy Portfolio Standard)	Case No: 19-0854-EL-ACP
Report to the General Assembly for the)	
2018 Compliance Year)	
)	

MEMORANDUM IN SUPPORT

Pursuant to Rule 4901:1-24(D), OAC, IGS requests protective treatment of IGS' renewable energy credit ("REC") purchase amount. The information for which protection is sought includes competitively sensitive information and proprietary business and financial information relating to IGS' business operations, comprising of trade secrets. The public release of this information would cause harm to IGS and its future operations and would compromise its ability to compete with retail electric suppliers on an equal basis.

The Commission's Rules allow for protective treatment of certain confidential information filed at the Commission to prevent disclosure of such information. Rule 4901-1-24(D), OAC, states in part (emphasis added):

Upon motion of any party or person with regard to the filing of a document with the commission's docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or an attorney examiner may issue any order which is necessary to protect the confidentiality of information contained in the document, ***to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law***, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised

Code. Any order issued under this paragraph shall minimize the amount of information protected from public disclosure.

Ohio law recognizes the need to provide protective treatment to information such as the Confidential Information. Under R.C. 1333.61(D), "Trade secret" means:

[I]information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, 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.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Expounding upon the definition of "trade secret," the Ohio Supreme Court has delineated factors to be considered when analyzing a trade secret claim:

(1) The extent to which the information is known outside the business, (2) the extent to which it is known to those inside the business, i.e., by the employees, (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information, (4) the savings effected and the value to the holder in having the information as 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 of others to acquire and duplicate information.¹

The definition of "trade secret" clearly reflects the state policy favoring the protection of trade secrets such as the customer load information which is the subject of this motion. The Confidential Information consists of REC prices that are proprietary, confidential and that constitute trade secrets. Public disclosure of this information would jeopardize IGS' business position and impair competition in the marketplace. By

¹ *State ex. rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St. 3d 513, 524-525 (1997).

examining the Confidential Information, competitors could reasonably estimate IGS' potential growth, market share and margins. Competitors could use the Confidential Information to make strategic decisions in response to IGS' correspondence

The information contained in the Confidential Information is not generally known by the public, is held in confidence in the normal course of business, and has never appeared in the public record. The Confidential Information sought to be protected is disclosed to only a few key personnel at IGS.

Furthermore, IGS is a privately-held company and, therefore, would be especially vulnerable if protective treatment is not granted. Indeed, the Commission has previously found the need for protective treatment to be especially "persuasive for the privately held companies."²

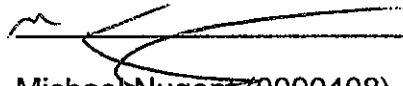
Lastly, granting confidential treatment to the information will not impair the purposes of Ohio Revised Code Title 49, because the documents filed under seal will allow the Commission and Staff to have full access to the information.

The reasons set forth above demonstrate that the Confidential Information has actual, substantial independent economic value from not being generally known, and not

² See *In the Matter of the Applications of the Following Entities for a Certificate to Provide Competitive Retail Natural Gas Service in Ohio: NICOR Energy L.L.C., Vectren Retail LLC, d.b.a. Vectren Source, Shell Energy Services Co. L.L.C., Volunteer Energy Services Inc., ACN Energy Inc., Energy America LLC, FirstEnergy Solutions Corp., AEP Ohio Retail Energy LLC, Energy Cooperative of Ohio, MidAmerica Energy Company, ProLiance Energy LLC, Metromedia Energy Inc., and UGI Energy Services Inc., d.b.a. GASMARK*, Case Nos. 02-1654-GA-CRS, 02-1668-GA-CRS, 02-1680-GA-CRS, 02-1786-GA-CRS, 02-1828-GA-CRS, 02-1829-GA-CRS, 02-1864-GA-CRS, 02-1889-GA-CRS, 02-1891-GA-CRS, 02-1893-GA-CRS, 02-1909-GA-CRS, 02-1926-GA-CRS, 02-1968-GA-CRS, Entry, (June 14, 2003); See *Id.* at para. 3, p. 2. See also *In the Matter of the Applications of: Vectren Retail, LLC, d/b/a Vectren Source, Interstate Gas Supply, Inc., Shell Energy Services Co., L.L.C., and FirstEnergy Solutions Corp. for Certification as Retail Natural Gas Suppliers in the State of Ohio; In the Matter of the Application of Direct Energy Services, LLC for Renewal of Certification as a Competitive Retail Natural Gas Supplier and for Approval to Transfer that Certification*, Case Nos. 02-1668-GA-CRS, 02-1683-GA-CRS, 02-1680-GA-CRS, 02-1864-GA-CRS, 02-1829-GA-CRS, Entry (Aug. 11, 2004).

being ascertainable by proper means by persons who would derive economic value from disclosure. Public disclosure of the Confidential Information will cause substantial harm to IGS' business and competitive interests. Thus, IGS respectfully requests the Commission to grant an order to protect the confidentiality of the Confidential Information.

Respectfully submitted,

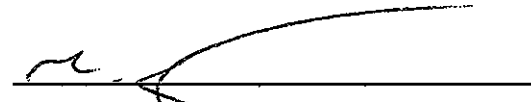
A handwritten signature in black ink, appearing to read "Michael Nugent", written over a horizontal line.

Michael Nugent (0090408)
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Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 659-5064

***Attorney for Interstate Gas Supply,
Inc.***

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Protective Order and Memorandum in Support of Interstate Gas Supply, Inc.* was served upon the following parties of record this 15th day of April 2019, via electronic transmission, hand-delivery or first-class U.S. mail, postage prepaid.



**One of the Attorneys for
Interstate Gas Supply, Inc.**

Steven.Beeler@ohioattorneygeneral.gov

Stuart.Siegfried@puco.ohio.gov

John.Jones@ohioattorneygeneral.gov.

Staff's Template RPS Compliance Filing Report 2018 Compliance Year

Company Name: Interstate Gas Supply, Inc.
Case Number (i.e., XX-XXXX-EL-ACP): 19-0854
Point of Contact for RPS Filing – Name: Tara McGraw
Point of Contact for RPS Filing – Email: Tara.McGraw@igs.com
Point of Contact for RPS Filing – Phone: 614-659-5058

Did the Company have Ohio retail electric sales in 2018? YES ☒ NO ☐

If a CRES with sales in 2018, confirm the sales were conducted either as a power marketer or retail generation provider (i.e., took title to the electricity). YES ☒ NO ☐

If this RPS report also addresses the compliance obligation of an additional CRES Provider, list the company(-ies). Otherwise, indicate N/A. N/A

Note: If the Company indicated zero Ohio retail electric sales in 2018, it need not complete the remainder of this form.

I. Annual RPS Compliance Status Report (refer to Ohio Adm.Code 4901:1-40-05)

Note: Please complete Section I in its entirety and without redaction.

A. Baseline Determination

1. SELECT ONE: To determine its compliance baseline, is the Company proposing to use (a) the 3 year average method or (b) compliance year (2018) sales?

☒ (a) the 3 year average method ☐ (b) compliance year (2018) sales

2. 3 Year Average Calculation (*Note: years with zero sales should be excluded from calculation of average*)

Year	Annual Sales (MWHs)
2015	3,931,236
2016	4,683,290
2017	6,751,201
Three Year Average	5,121,909

3. Compliance year (2018) sales in MWHs: 7,903,634

4. Source of reported sales volumes: Annual Report

5. For CRES Providers: if the reported sales volume(s) differs from that in the company's CRES Annual Report(s) for Fiscal Assessment filed with the Commission, provide an explanation below for the difference. Otherwise, indicate N/A.

N/A

B. Compliance Obligation for 2018

	Required Quantity	Retired Quantity	Tracking System(s)
Solar	9,219	9,219	PJM GATS
Non-Solar	221,266	221,266	PJM GATS

Note: multiply the proposed baseline by the statutory benchmarks to determine the Required Quantity, with the product rounded to the nearest whole number.

C. If the Company had a compliance deficiency or compliance excess in a previous year(s) that was rolled forward, describe how that has been incorporated within this filing. Otherwise, indicate N/A.

N/A

D. Complete and file Staff's compliance worksheet along with filing report.

E. If the Company is proposing to pay an alternative compliance payment for all or part of its 2018 compliance obligation, enter that amount here: \$ 0.00
Pursuant to Ohio Adm.Code 4901:1-40-08, the obligation is rounded up to the next MWh in the event of a compliance payment.

II. Annual RPS Compliance Planning Report (refer to Ohio Adm.Code 4901:1-40-03(C))

A. Projected (non-binding) baseline for the current and future calendar years.

Year	Baseline (MWHs)	Non-Solar Requirement	Solar Requirement
2019	6,540,024	345,313	9,219
2020	6,540,024	345,313	14,388
2021	7,707,454	480,945	20,039
2022	8,185,580	589,362	24,557
2023	8,185,580	687,943	27,831
2024	8,185,580	746,525	31,105
2025	8,185,580	825,106	34,379
2026	8,185,580	903,688	37,654
2027	8,185,580	982,270	40,928
2028	8,185,580	982,270	40,928

B. Describe the Company's supply portfolio projection, including both generation fleet and power purchases, for the 10 year planning horizon.

The company plans to purchase and schedule supply through the PJM wholesale energy markets, which may include Day Ahead demand bids, Real Time Balancing Purchases, and physical bilateral supply through counter-party agreements. There are no plans at this time to purchase supply from any specific generators or generations type.

C. Describe the methodology used by the Company to evaluate its compliance options.

IGS Energy purchases OH Solar and OH Non Solar Rec's on the OTC REC market

D. Describe any perceived impediments to achieving compliance with the required benchmarks, as well as suggestions for addressing any such impediments.

N/A

III. RPS Administration

Please describe any suggestions (non-legislative) the Company may have to make the administration of the Ohio RPS more effective and efficient. Additional communications, enhancements to the RPS webpage, etc.

IGS has no suggestion to offer at this time.

Compliance Plan Status Report for Compliance Year 2018
Summary Sheet

	Sales Unadjusted (MWHs)	Proposed Adjustments (MWHs)	Sales Adjusted (MWHs)	Source of Sales Volume Data
2015	3,931,236	0	3,931,236	(A)
2016	4,683,290	0	4,683,290	(B)
2017	6,751,201	0	6,751,201	(C)

Baseline for 2018 Compliance Obligation (MWHs)

5,121,909

(D) = AvgABC

(Note: If using 2018 sales as your baseline, insert that figure in cell I14 and indicate in cell K16 if 2018 sales are adjusted or not.

i.e., Not Adjusted

4.50% 2018 Statutory Compliance Obligation

2018 Non-Solar Renewable Benchmark

4.32%

(E)

2018 Solar Renewable Benchmark

0.18%

(F)

Per ORC, 4928.64(B)(2)

2018 Compliance Obligation

Non-Solar RECs Needed for Compliance

221,266

(G) = (D) * (E)

Solar RECs Needed for Compliance

9,219

(H) = (D) * (F)

Carry-Over from Previous Year(s), if applicable

Non-Solar (RECs)

0

(I)

Solar (S-RECs)

0

(J)

Total 2018 Compliance Obligations

Non-Solar RECs Needed for Compliance

221,266

(K) = (G) + (I)

Solar RECs Needed for Compliance

9,219

(L) = (H) + (J)

2018 Retirements (Per GATS and/or MRETS Data)

Non-Solar (RECs)

221,266

(M)

Solar (S-RECs)

9,219

(N)

Under Compliance in 2018, if applicable

Non-Solar (RECs)

0

(O) = (K) - (M)

Solar (S-RECs)

0

(P) = (L) - (N)

2018 Alternative Compliance Payments

Non-Solar, per REC (Refer to Case 18-0730-EL-ACP)

\$51.31

(Q)

Solar, per S-REC See 4928.64(C)(2)(a)

\$250.00

(R)

2018 Payments, if applicable

Non-Solar Total

\$0.00

(S) = (O) * (Q)

Solar Total

\$0.00

(T) = (P) * (R)

TOTAL

\$0.00

(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 2018 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. If the Company is proposing to pay an alternative compliance payment, please refer to OAC 4901:1-40-08 regarding the rounding of obligations. Questions concerning this worksheet can be addressed to Stuart.Siegfried@puco.ohio.gov