


## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Volunteer Energy Services, Inc. for Renewal )  
of its Certificate as a Competitive Retail ) Case No. 03-1742-EL-AGG  
Electric Service Provider in the State of )  
Ohio. )

ENTRY

The Attorney Examiner finds:

- (1) On October 12, 2007, Volunteer Energy Services, Inc. (Volunteer) filed an application for renewal of its certification as a competitive retail electric service provider. On that same day, Volunteer also filed a motion for protective order of Exhibit C-3 (financial statements) provided as a part of the renewal application.
- (2) In its motion, Volunteer states that its financial information provided in Exhibit C-3 constitutes trade secrets pursuant to Section 1333.61(D), Revised Code, proprietary business information and confidential commercial materials which is not generally known or available to the public. Further, Volunteer contends that public disclosure of the financial information would jeopardize Volunteer's ability to negotiate and compete in the market. Volunteer also requests a waiver of Rule 4901-1-24(F), Ohio Administrative Code (O.A.C.), which protects the information filed under seal for 18 months at which time the order automatically expires. Volunteer asserts that the information is competitively sensitive information which will be just as sensitive after 18 months. Thus, Volunteer asserts that it is imperative that the information remain confidential beyond the requisite 18-month period.
- (3) Although not specifically stated in the motion, the Attorney Examiner notes that Exhibit C-1 of the renewal application states that Volunteer is not publicly traded on the stock exchange and that no publicly available, published annual reports exists. In other words, Volunteer is a privately held company. Given that Volunteer is a privately held company and in light of the information presented in the motion, Volunteer's request for a protective order is well taken.

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Accordingly, Volunteer's request for a protective order of Exhibit C-3 should be granted. As to Volunteer's request for a waiver of Rule 4901-1-24(F), O.A.C., to the extent that protective orders are issued for 18 months, that request is denied. While the protected information may retain its value for an extended period of time, a request for an indefinite protective order could cause the Commission to protect information that has lost its value. With the passage of time and changing circumstances, it is likely that the information Volunteer seeks to protect will become stale and lose its worth to competitors. For these reasons, it is against the Commission's policy to grant an indefinite protective order. See, Case No. 02-3069-TP-ALT, *In the Matter of the Application of SBC Ohio for Approval of an Alternative Form of Regulation* (June 30, 2004). The Commission believes that it is more appropriate to periodically review information granted protected status as a trade secret, confidential or proprietary information. Accordingly, Volunteer's motion for a protective order is granted for 18 months from the date this entry is issued. In accordance with the Rule 4901-1-24(F), O.A.C., Volunteer may apply for an extension of the protective order.

It is, therefore,

ORDERED, That Volunteer's motion for a protective order for Exhibit C-3 is granted. Accordingly, the Docketing Division shall maintain Exhibit C-3 under seal in this case for 18 months from the date this entry is issued. It is, further,

ORDERED, That Volunteer's request for a waiver of Rule 4901-1-24(F), O.A.C., is denied in accordance with finding 3. It is, further,

ORDERED, That a copy of this entry be served upon each person of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Greta See  
Attorney Examiner

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Entered in the Journal

**NOV 02 2007**



Renee J. Jenkins  
Secretary