

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Stand                     )  
Energy Corporation for Certification as a                     )       Case No. 02-2549-GA-CRS  
Retail Natural Gas Supplier.                                     )

ENTRY

The attorney examiner finds:

- (1) On October 4, 2002, Stand Energy Corporation (Stand) filed an application for certification as a competitive retail natural gas supplier, as well as a motion for protective order, pursuant to Rule 4901-1-24, Ohio Administrative Code (O.A.C.), covering exhibits C-3, C-4, C-5, C-6 and C-7 (the 2002 exhibits). Stand's application was approved on November 6, 2002. Unfortunately, however, since the motion for protective order was filed under seal with the exhibits, it was not addressed at the time.
- (2) By entry filed on July 27, 2009, the Commission ordered Stand to file, within thirty days, a motion for protective order for the 2002 exhibits if Stand wanted the Commission to consider maintaining those exhibits under seal. Stand filed a motion for continued protective treatment for the 2002 exhibits on September 4, 2009.
- (3) Although Stand failed to meet the thirty-day filing deadline established by the July 27, 2009 entry, Stand's motion for continued protective treatment will be considered, as the 2002 exhibits still remain protected under seal.
- (4) The attorney examiner has examined the information covered by Stand's motion for protective order, as well as the assertions set forth in the supportive memorandum. Applying the requirements that the information have independent economic value and be the subject of reasonable efforts to maintain its secrecy pursuant to Section 1333.61(D), Revised Code, as well as the six-factor test set forth by the Ohio Supreme Court,<sup>1</sup> the attorney examiner finds that the information contained in the 2002 exhibits no longer constitutes trade secret information.

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

- (5) The information detailed in these exhibits relates to Stand's financial performance and financial condition in 2000, 2001, and 2002 along with forecasts of expected results of 2003. The attorney examiner finds that because the information in these exhibits is outdated, it can no longer be considered sensitive. The examiner also notes that Stand has allowed protective orders covering similar information with regard to more recent years to expire, leaving that information in the public domain. In its motion, Stand offered no explanation as to why the information covered by this motion requires continued protection. Stand merely asserted that the information remains proprietary and sensitive. Since Stand has not justified the continued protection of these outdated documents, the attorney examiner finds that Stand's motion for protective order should be denied.
- (6) On October 9, 2009, the docketing division of the Commission should release exhibits C-3, C-4, C-5, C-6 and C-7 of Stand's application for certification as a competitive retail natural gas supplier, filed October 4, 2002.


It is, therefore,

ORDERED, That Stand's motion for continued protective treatment be denied. It is, further,

ORDERED, That, on October 9, 2009, the docketing division of the Commission release exhibits C-3, C-4, C-5, C-6 and C-7 of Stand's application for certification as a competitive retail natural gas supplier, filed October 4, 2002. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Henry H. Phillips-Gary  
Attorney Examiner

grg  
HHPG/dah

Entered in the Journal  
OCT 02 2009



Renee J. Jenkins  
Secretary