

FILE



10-622-EL-CRS

SPARK ENERGY, L.P.

2105 CityWest Boulevard, Ste 100
Houston, TX 77042

May 07, 2010

Via Federal Express

Public Utilities Commission of Ohio
Docketing Division
13th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

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PUCO

Re: Application of Spark Energy, L.P. for Certification
as a Competitive Retail Electric Service Provider
("CRES Application")

Dear Sir or Madam:

Please find enclosed for filing the following:

1. The original and two complete copies of the CRES Application for Spark Energy, L.P. ("Spark"), which contain confidential Exhibits C-3, C-4, and C-5, filed under seal and for which Spark is requesting protection from public disclosure.
2. Spark's Motion for Protective Order and Memorandum in Support requesting that the Commission keep confidential and protect from public disclosure the confidential information contained in Exhibits C-3 ("Financial Statements"), C-4 ("Financial Arrangements"), and C-5 ("Forecasted Financial Statements").
3. Eight copies of Spark's CRES Application with the confidential information in Exhibits C-3, C-4, and C-5 removed.

If you have any questions concerning the CRES Application, please contact me at (832) 217-1858 or at hkingerski@sparkenergy.com.

Sincerely,

Harry Kingerski
Director of Regulatory
Spark Energy, L.P.

Encl: as stated

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Spark Energy, L.P. for Certification as a) Case No. _____-EL-CRS
Competitive Retail Electric Service Provider)

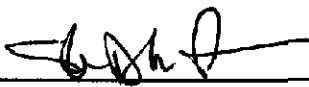
MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code (the "O.A.C."), Spark Energy, L.P. ("Spark") respectfully moves the Public Utilities Commission of Ohio (the "Commission") to issue a protective order to protect the confidentiality and prohibit disclosure of certain highly confidential and proprietary information filed in connection with Spark's application for authority to operate as a competitive retail electric service provider. The documents in Exhibit C-3 ("Financial Statements"), Exhibit C-4 ("Financial Arrangements"), and Exhibit C-5 ("Forecasted Financial Statements") contain competitively sensitive and highly proprietary business financial information composed of trade secrets. Pursuant to the requirements of 4901-1-24(D) of the O.A.C., Spark hereby files under seal three unredacted copies of the confidential information sought to be protected by this Motion.

The grounds for the instant Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

SPARK ENERGY, L.P.

By: 
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
 Spark Energy, L.P. for Certification as a) Case No. _____-EL-CRS
 Competitive Retail Electric Service Provider)

MEMORANDUM IN SUPPORT

Contemporaneously with this Motion for Protective Order and Memorandum in Support, Spark files its Certification Application for Competitive Retail Electric Service (“CRES”) providers. The Application contains certain information and materials required in accordance with the Commission’s certification filing instructions for CRES providers and Rule 4901-1-24, O.A.C. As part of the Application, the Commission requests information regarding Spark’s financial statements, filed as Exhibit C-3 to the Application, Spark’s financial arrangements, filed as Exhibit C-4 to the Application, and Spark’s forecasted financial statements, filed as Exhibit C-5 to the Application (the “Confidential Information”). Spark has submitted the Confidential Information as exhibits to the Application under seal because they contain competitively sensitive and highly proprietary business financial information that requires confidential treatment. Therefore, Spark requests that the Commission issue an order to protect the confidentiality and prohibit the disclosure of the Confidential Information.

Rule 4901-1-24(D), O.A.C., provides for the issuance of an order 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 nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code (“R.C.”). State law recognizes the need to protect information that is confidential in nature, as is the Confidential Information. Section 4928.06(F) specifically permits the Commission to grant

confidentiality to competitive information.¹ Sections 4901.12 and 4905.07, R.C., facilitate the protection of trade secrets in the Commission's possession.² Both Sections 4901.12 and 4905.07, R.C., reference Section 149.43, R.C., thereby incorporating the provision that excepts from the public record information and records the release of which is prohibited by law.³

State law also prohibits the release of information meeting the definition of a trade secret.⁴ The Confidential Information includes competitively sensitive and highly proprietary business financial information falling within the statutory characterization of a trade secret as defined by Section 1333.61(D).

¹ Section 4928.06(F), R.C., provides: "(F) An electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code shall provide the commission with such information, regarding a competitive retail electric service for which it is subject to certification, as the commission considers necessary to carry out this chapter. An electric utility shall provide the commission with such information as the commission considers necessary to carry out divisions (B) to (E) of this section. The commission shall take such measures as it considers necessary to protect the confidentiality of any such information."

² Section 4901.12, R.C., provides: "Except as provided in section 149.43 of the Revised Code and as consistent with the purposes of Title XLIX [49] of the Revised Code, all proceedings of the public utilities commission and all documents and records in its possession are public records."

Section 4905.07, R.C., provides: "Except as provided in section 149.43 of the Revised Code and as consistent with the purposes of Title XLIX [49] of the Revised Code, all facts and information in the possession of the public utilities commission shall be public, and all reports, records, files, books, accounts, papers, and memorandums of every nature in its possession shall be open to inspection by interested parties or their attorneys."

³ Section 149.43(A)(1)(v), R.C., provides, in part: "'Public Record' does not mean records the release of which is prohibited by state or federal law."

⁴ Section 1333.61(D), R.C., defines trade secret to mean "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.

Spark is not a public company. Spark asserts that the Confidential Information is not generally known by the public, is held in confidence in the normal course of business, and that any public dissemination of such information or any portion thereof would harm Spark and give an undue advantage to Spark's retail electric competitors in Ohio. Additionally, the non-disclosure of the information will not impair the purposes of Title 49, as the Commission and its staff will have full access to the requested information. For the foregoing reasons, the Confidential Information contained in Exhibit C-3, Exhibit C-4, and Exhibit C-5, filed in connection with Spark's Application for Certification as a Competitive Retail Electric Service Provider, clearly constitutes confidential and proprietary information and a trade secret pursuant to the foregoing requirements and authorities and should be afforded confidential treatment by the Commission.

WHEREFORE, Spark Energy, L.P. respectfully requests that its Motion for Protective Order be granted for the reasons set forth herein.

Respectfully submitted,

SPARK ENERGY, L.P.

By:  _____

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May 7, 2010

STATE OF TEXAS)
) SS
COUNTY OF HARRIS)

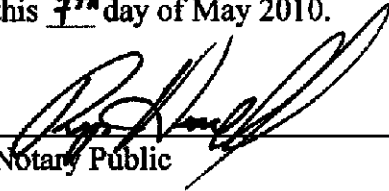
VERIFICATION

Harry Kingerski, being first duly sworn, deposes and says that he is the Director of Regulatory of Spark Energy, L.P.; that he has read the foregoing Motion for Protective Order and the Memorandum In Support and has personal knowledge of the contents thereof; and that the statements therein are true and correct to the best of his knowledge, information and belief.



Harry Kingerski
Director of Regulatory

Subscribed and sworn to before me
this 7th day of May 2010.



Notary Public

