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May 17, 2010

**VIA FEDERAL EXPRESS**  
**VIA PUCO DOCKETING SYSTEM**

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

**RE: MOTION FOR PROTECTIVE ORDER for - Renewal Application for Retail Generation Providers and Power Marketers**

**Case No. 04-1015-EL-CRS; GDF Suez Energy Resources NA, Inc. CRES License No. 04-118(1) - issued 7/26/2004; renewed 04-118(2) - issued 7/24/2006; renewed 04-118(3) - issued 7/25/2008**

Dear Sir or Madam:

For filing, please find one (1) original and one (1) copy of the enclosed:

1. *Motion for Protective Order;*
2. *Memorandum in Support of Protective Order; and*
3. *Proposed Protective Order*

GDF Suez Energy Resources NA, Inc. moves for protection for specific information requested in connection with its 2010 Renewal Application for Retail Generation Providers and Power Marketers. Please file stamp one (1) copy and return to Suez in the postage-paid pre-addressed envelope.

Enclosed, please also find one (1) original and three (3) copies of Suez's completed renewal application with the **confidential material included**.

If you have any questions in connection with this filing, please contact me at 713-636-1607 or via email at [naveen.rabie@gdfsuezna.com](mailto:naveen.rabie@gdfsuezna.com).

Respectfully submitted,



Naveen Rabie  
Counsel

RECEIVED-DOCKETING DIV  
2010 MAY 24 AM 10:02  
PUCO

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Technician SM Date Processed MAY 24 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

*In the Matter of the Renewal Application for Retail Generation Providers and Power Marketers submitted by GDF Suez Energy Resources NA, Inc. as a Competitive Retail Electric Supplier (PUCO Certificate 04-118(1) issued 7/25/2004; renewal Certificate 04-118(2) issued in Case Number 04-1015-EL-CRS 7/24/2006, and renewal Certificate 04-118(3) issued in Case Number 04-1015-EL-CRS 7/25/2008.*

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**GDF SUEZ ENERGY RESOURCES NA, INC.**

**MOTION FOR PROTECTIVE ORDER**

GDF Suez Energy Resources NA, Inc. (GSERNA), by its attorneys and pursuant to Section 4901-1-24(D) of the Commission's rules (O.A.C. § 4901-1-24(D)) moves for a protective order keeping confidential the designated confidential and/or proprietary information contained in Exhibits C-3 and C-4 of the *Renewal Application for Retail Generation Providers and Power Marketers* submitted by GSERNA and accompanying this Motion. The reasons underlying this motion are detailed in the attached Memorandum in Support of Protective Order. Consistent with the requirements of Section 4901-1-24(D) of the Commission's Rules, unredacted copies of the confidential information, which is the subject of this motion for protective order, have been filed under seal.

Respectfully submitted,

GDF SUEZ ENERGY RESOURCES NA, INC.

BY:



NAVEEN RABIE


Counsel for GDF Suez Energy Resources  
1990 Post Oak Blvd., Suite 1900  
Houston, Texas 77056  
713-636-1607  
713-636-1601(fax)

**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

GDF Suez Energy Resources NA, Inc. ("SERNA") requests that the information on **Attachment A** hereto (and also entitled "Exhibit C-3" and "Exhibit C-4" of GSERNA's 2010 *Renewal Application for Retail Generation Providers and Power Marketers*) be designated as confidential and/or proprietary and be protected from public disclosure. Section 4901-1-24(D) of the Commission's rules provides that the Commission or certain designated employees may issue an order which is necessary to protect the confidentiality of information contained in documents filed with the Commission's Docketing Division to the extent that state or federal law prohibits the release of the information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. As set forth herein, state law prohibits the public release of the information that is the subject of this motion; i.e. audited financial statements and financial arrangements. Moreover, keeping this information from being disclosed to the general public will not impair the purposes of Title 49. The Commission and its Staff have full access to the information in order to fulfill their statutory obligations. No purpose of Title 49 would be served by public disclosure of this commercially sensitive information. GSERNA and its affiliates have treated the financial statements and financial arrangements as proprietary and confidential business information. It is available to third-parties only pursuant to agreements protecting its confidentiality and prohibiting its public disclosure. GSERNA considers and has treated the information as a trade secret. In the ordinary course of business of GSERNA, this information is treated as proprietary and confidential by all GSERNA employees. The Attachment A to this *Memorandum in Support of Motion for Protective Order* lists the information that GSERNA seeks confidential treatment for and has further, been redacted from the associated filing. For the foregoing reasons, GSERNA respectfully requests that the designated information be protected from public disclosure.

Respectfully submitted this 21<sup>st</sup> day of May, 2010.

GDF SUEZ ENERGY RESOURCES NA, INC.

BY:   
\_\_\_\_\_  
NAVEEN RABIE  
Counsel

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

*In the Matter of the Renewal Application for Retail Generation Providers and Power Marketers submitted by GDF Suez Energy Resources NA, Inc. as a Competitive Retail Electric Supplier (PUCO Certificate 04-118(1) issued 7/25/2004; renewal Certificate 04-118(2) issued in Case Number 04-1015-EL-CRS 7/24/2006, and renewal Certificate 04-118(3) issued in Case Number 04-1015-EL-CRS 7/25/2008.*

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**PROTECTIVE ORDER**

In the above-captioned *Renewal Application Retail Generation Providers and Power Marketers* submitted by GDF Suez Energy Resources NA, Inc. ("GSERNA", "Applicant"), an issue has arisen in which the Applicant Competitive Retail Electric Supplier is required to disclose privileged and confidential information not otherwise available to the public. Applicant's audited financial statements and financial arrangements, being requested as part of the *Renewal Application Retail Generation Providers and Power Marketers*, constitute proprietary and confidential information and intellectual property. To resolve discovery and public disclosure issues regarding the submission of GSERNA's *Renewal Application Retail Generation Providers and Power Marketers* and recertification of its CRES license, it is hereby ORDERED:

1. Such information from audited financial statements and financial arrangements produced in response to the *Renewal Application for Retail Generation Providers and Power Marketers* submitted to the Commission by GSERNA (specifically the required Exhibits C-3 and C-4) may be filed under seal and protected from public disclosure 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, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

IT IS SO ORDERED,

SIGNED: \_\_\_\_\_  
Presiding Officer