

FILE

ORIGINAL

51

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

* * * * *
**STAND ENERGY CORPORATION'S
MOTION FOR PROTECTIVE ORDER
FOR CERTAIN 2010 CRNGS RENEWAL EXHIBITS**
* * * * *

PUCO

2010 NOV 10 AM 11:01

RECEIVED-BOOKETING DIV

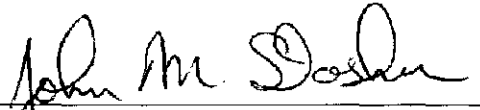
Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C."), Stand Energy Corporation ("Stand") respectfully moves the Public Utilities Commission of Ohio ("PUCO") to renew the protective order to protect the confidentiality of, and thereby prohibit the disclosure of, certain documents filed simultaneously under seal with this motion.

The documents at issue, are required as part of the process of recertification as an approved Competitive Retail Natural Gas Supplier in Ohio. Specifically, Exhibit C-3 (Financial Statements) and Exhibit C-4 (Financial Arrangements) are proprietary and sensitive financial information. The documents have been marked "Confidential", and are herewith filed under seal simultaneous with the timely filing of Stand's 2010 Application for Re-Certification as a Competitive Retail Natural Gas Supplier. A memorandum in support of this motion is attached. Consistent with the above-cited Rule, three (3) unredacted copies of the exhibits are submitted under seal.

This is to certify that the images appearing are an accurate and complete reproduction of the file document delivered in the regular course of business
Technician Ann Date Processed 11/10/10

Respectfully submitted,

STAND ENERGY CORPORATION

BY: 

JOHN M. DOSKER

ITS: GENERAL COUNSEL

Stand Energy Corporation

1077 Celestial Street, Suite #110

Cincinnati, OH 45202-1629

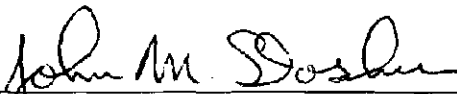
(513) 621-1113 (phone)

(513) 621-3773 (fax)

jdosker@stand-energy.com

CERTIFICATE OF SERVICE

I hereby certify that there are no parties of record in this case other than Stand Energy
this 9th day of November, 2010.


JOHN M. DOSKER

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

* * * * *

**MEMORANDUM IN SUPPORT OF STAND ENERGY CORPORATION'S
RENEWED MOTION FOR PROTECTIVE ORDER FOR CERTAIN
2010 CRNGS RENEWAL EXHIBITS**

* * * * *

Simultaneous with the filing of this Motion for Protective Order, Stand Energy Corporation ("Stand") has filed its Application with the Public Utilities Commission of Ohio for Re-Certification as a Competitive Retail Natural Gas Supplier. One section of the Application requests detailed financial information, which has previously been filed under seal in this docket by Stand Energy, because the documents contain proprietary and sensitive financial information relative to Stand Energy that is not generally known to the public.

R.C. §1333.61(D) defines financial information, *inter alia*, as a "trade secret." While this information is being made available to the Commission in order for it to perform its evaluation, the applicant's financial information should not be made available to parties that are not directly charged by the legislature with authority to review that Application or the general public. Similarly, the general public should not have access to this information because Stand Energy is a privately-owned company.

The Commission has requested information regarding Stand's: financial statements (Exhibit C-3) and financial arrangements (Exhibit C-4). Public disclosure of this strategic information and these proprietary financial documents could have a material and profoundly

detrimental impact on Stand Energy's ability to compete in the marketplace. Therefore Stand Energy renews its request and motion that the Commission and Staff maintain the confidential nature of these documents and protect the documents from public disclosure.

Rule 4901-1-24(A)(7), O.A.C. provides for the issuance of an order necessary to protect the confidentiality of information contained in documents filed at the Commission, where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. The financial information requested in Application Exhibits C-3 and C-4 are competitively sensitive and highly proprietary clearly falling within the statutory definition of "trade secret":

"Trade secret" means 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.

R.C. 1333.61(D).

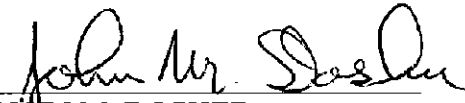
Public disclosure of Stand Energy's financial information could jeopardize Stand Energy's business position in negotiations with third parties and potentially compromise Stand Energy's ability to compete. Stand Energy respectfully asserts that the financial information contained in Application Exhibits C-3 and C-4 is not generally known by the public and is held in strict confidence in the normal course of business. Ohio law prohibits the release of information meeting the definition of a trade secret. Conversely, non-disclosure of this

information will not impair the purposes of Title 49 as the Commission and its Staff will have full access to the requested information to complete their review process – the only legitimate use of the requested financial information. This strategic and financial information is now the subject of Stand's reasonable efforts to maintain its secrecy to prevent unauthorized disclosure or use. Both prongs of the statutory analysis favor confidentiality of Stand's financial information. Therefore, Stand reasonably requests that the financial information contained in Exhibits C-3 and C-4 be deemed to contain trade secrets, and thus, continue to be treated as confidential by the Commission and its Staff.

WHEREFORE, for the reasons stated herein, Stand requests that the Commission grant its Motion for Protective Order and to maintain Exhibits C-3 and C-4 under seal.

Respectfully submitted,

STAND ENERGY CORPORATION

BY: 
JOHN M. DOSKER
ITS: GENERAL COUNSEL
Stand Energy Corporation
1077 Celestial Street, Suite #110
Cincinnati, OH 45202-1629
(513) 621-1113 (phone)
(513) 621-3773 (fax)
jdosker@stand-energy.com

CERTIFICATE OF SERVICE

I hereby certify that there are no parties of record in this case other than Stand Energy this _____ day of November, 2010.


JOHN M. DOSKER