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# SEC

## STAND ENERGY CORPORATION

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PUCO

November 23, 2010

**VIA UPS NEXT DAY AIR SAVER**

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

**Re: Case No. 02-2549-GA-CRS**

Ladies and Gentlemen:

Enclosed for filing is an original and ten (10) copies of Stand Energy Corporation's Motion for a Protective Order Applicable to Revised CRNGS Exhibit C-5, for filing in the above-captioned CRNGS Renewal application of Stand Energy Corporation.

We have enclosed the three (3) copies of the sealed Exhibit, C-5 for which we are requesting confidential treatment.

Please contact me if you have any questions about this filing.

Sincerely,

John M. Dosker  
General Counsel

Enclosures

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

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 APPLICABLE TO REVISED  
EXHIBIT C-5 TO ITS 2010 CRNGS RENEWAL APPLICATION**

\* \* \* \* \*

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 issue and/or renew a protective order to protect the confidentiality of, and thereby prohibit the disclosure of, certain documents filed simultaneously under seal with this motion.

The document at issue, has been requested by Staff as part of the process of recertification as an approved Competitive Retail Natural Gas Supplier in Ohio. Specifically, Exhibit C-5 (Financial Forecast) is proprietary and sensitive financial information. The document has been marked "Confidential", and is herewith filed under seal. 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.

Respectfully submitted,

**STAND ENERGY CORPORATION**

BY: 

JOHN M. DOSKER  
ITS: GENERAL COUNSEL  
Stand Energy Corporation  
1077 Celestial Street, Suite #110  
Cincinnati, OH 45202-1629  
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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 23<sup>rd</sup> 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 revised Exhibit C-5 (Financial Forecasts) with the Public Utilities Commission of Ohio for Re-Certification as a Competitive Retail Natural Gas Supplier. One section of the Application, C-5 requests detailed financial forecast information. Because the document contains proprietary and sensitive financial information relative to Stand Energy that is not generally known to the public, Stand Energy requests a protective order be issued.

**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 forecasts. 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 this document and protect the document 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-5 is 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 forecast 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 Exhibit C-5 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-5 be deemed to contain a trade secret, and thus, continue to be treated as confidential.

**WHEREFORE**, for the reasons stated herein, Stand requests that the Commission grant its Motion for Protective Order and to maintain Exhibits C-5 under protective seal.

Respectfully submitted,

**STAND ENERGY CORPORATION**

BY: 

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ITS: GENERAL COUNSEL  
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**CERTIFICATE OF SERVICE**

I hereby certify that there are no parties of record in this case other than Stand Energy this 23<sup>rd</sup> day of November, 2010.

  
JOHN M. DOSKER