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**VIA ELECTRONIC MAIL**

Public Utilities Commission of Ohio  
Electric Division  
180 East Broad Street  
Columbus, OH 43215-3797

11-2492-EL-ACP

**RE: BlueStar Energy Services, Inc.'s Ten-Year Alternative Energy Compliance Plan Report**

To Whom It May Concern,

Please find attached BlueStar Energy Services, Inc.'s *Ten-Year Alternative Energy Compliance Plan Report*.

Please note that a Motion for Protective Order and Memorandum in Support are included for the above - referenced filing.

Please contact me should you have any questions.

Regards,

BLUESTAR ENERGY SOLUTIONS

Madelon Kuchera  
Associate General Counsel – V.P. of Regulatory Affairs  
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Enclosures: Ten-Year Alternative Energy Compliance Plan Report

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician SM Date Processed APR 18 2011

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
BlueStar Energy Services, Inc.'s Ten-Year )  
Alternative Compliance Plan )

11-2492-EL-ACP  
Case No. 11-0003-GE-RPT

**MOTION FOR PROTECTIVE ORDER**

Pursuant to the provisions of Rule 4901-1-24D of the Ohio Administrative Code ("O.A.C."), BlueStar Energy Services, Inc. ("BlueStar"), respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a protective order to protect the confidentiality and prohibit disclosure of information filed simultaneously with this motion in the above-captioned docket. The material in the Ten-Year Alternative Compliance Plan ("The Plan") report and Exhibit and contain competitively sensitive and highly proprietary business information comprised of trade secrets. These documents have been clearly marked as confidential and are hereby filed under seal.

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

Respectfully submitted,

*Madelon A. Kuchera*

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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.<sup>3</sup>

State law also prohibits the release of information meeting the definition of a trade secret. The Ten-Year Compliance report, exhibit, and forecasted supply portfolio projections contained in the report are comprised of competitively sensitive projected usage information falling within the statutory characterization of a trade secret as defined by Section 1333.61(D), R.C.<sup>4</sup>

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<sup>1</sup> Section 4928.06(F), R.C., provides: "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.

<sup>2</sup> Section 4901.12, R.C., provides: "Except as otherwise 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."

<sup>3</sup> 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."

<sup>4</sup> 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.

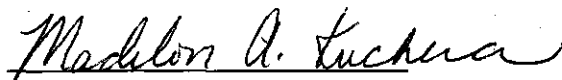
Section 1333.61(D), R.C. (emphasis added).

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Clearly, public disclosure of this information would jeopardize BlueStar's business position and its ability to compete. BlueStar asserts that this information is not generally known by the public and is held in confidence in the normal course of business. Additionally, 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 in order to complete their review process. Therefore, BlueStar respectfully requests that the identified projected usage contained in the Ten-Year Alternative Compliance Plan and Exhibit be treated as confidential by this Commission and its Staff.

WHEREFORE, BlueStar respectfully requests that its Motion for Protective Order be granted for reasons set forth.

Respectfully submitted,



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In the Matter of the Application of )  
BlueStar Energy Services, Inc.'s Ten-Year ) Case No. 11-0003-GE-RPT  
Alternative Compliance Plan )

**PROOF OF SERVICE**

I, Madelon Kuchera, being an attorney admitted to practice in the State of Illinois and one of the attorneys for BlueStar Energy Services, Inc., certify that I did on the 15th day of April, 2011, file with the Public Utilities Commission of Ohio, a Motion for Protective Order and Memorandum on Support on behalf of BlueStar Energy Services, Inc.

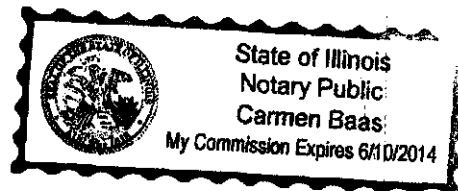
BY: Madelon A. Kuchera

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Subscribed and sworn to me, a Notary Public, on this 15th day of April, 2011.

Carmen Baas

Notary Public

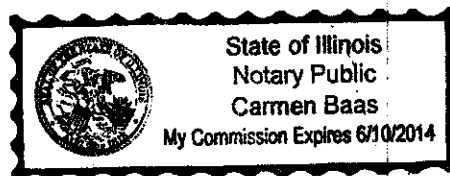


**VERIFICATION**

I, Madelon Kuchera, as Assistant General Counsel of BlueStar Energy Services, Inc., hereby affirm that I have knowledge of the contents of this Motion for Protective Order and Memorandum in Support is true and accurate to the best of my knowledge.

Madelon Kuchera  
Madelon Kuchera

Subscribed and sworn to before me  
this 15th day of April, 2011.



Carmen Baas  
Notary Public