

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of the)	
Ohio Consumers' Counsel, Stand)	
Energy Corporation, Northeast Ohio)	
Public Energy Council, and Ohio Farm)	
Bureau Federation,)	
)	
Complainants,)	Case No. 10-2395-GA-CSS
)	
v.)	
)	
Interstate Gas Supply, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On October 21, 2010, the Ohio Consumers' Counsel, Border Energy, Inc. (Border), Northeast Ohio Public Energy Council, Stand Energy Corporation, and the Ohio Farm Bureau Federation (collectively, joint complainants) filed a complaint, alleging that, among other things, Interstate Gas Supply, Inc. d/b/a Columbia Retail Energy (IGS) has engaged in marketing, solicitation, sales acts, or practices that are unfair, misleading, deceptive, or unconscionable. By entry issued February 28, 2011, MXenergy (MX) was granted leave to join the complaint. On March 16, 2011, and May 13, 2011, respectively, Border and MX withdrew from the case. On November 12, 2010, IGS filed its answer denying the allegations contained in the complaint and asserting that it has complied with all statutory and regulatory requirements.
- (2) A hearing on this complaint occurred on November 7 and 8, 2011.
- (3) On August 15, 2012, the Commission issued an opinion and order in this case concluding that the complainants had not

met their burden of proof and dismissing this complaint. In addition, the Commission considered IGS's November 29, 2011, motion for protective order regarding the service mark licensing agreement (SMLA) and confidential portions of the hearing transcript. The Commission directed IGS to file new proposed redacted versions of the SMLA and the confidential transcript in the open record. The Commission specified that IGS must narrowly tailor its redactions to recommendations contained in the opinion and order, and must strive to limit redactions to the SMLA and the confidential transcripts to only include confidential pieces of information, leaving as much of the information public as possible, including numberings, headings, and parts of sentences, where appropriate. If IGS disagreed with the Commission's discussion of the protected material, or was in doubt regarding whether a particular piece of information should be redacted from these documents, it was directed to file, along with its new proposed redactions, an amended motion for protective order, specifically explaining why any information, outside of the scope of what has been delineated for protection by the Commission, should be granted protective treatment.

- (4) On August 23, 2012, IGS filed new proposed redacted versions of the SMLA and the confidential transcript in the public record. The attorney examiner notes that IGS did not adhere to the Commission's directive that IGS narrowly tailor its redactions. In particular, the attorney examiner finds that IGS did not release information regarding its board of directors that is readily ascertainable from reviewing IGS's certification docket; did not redact the transcript to release the maximum amount of information regarding objections and discussions thereof; and did not redact the SMLA to allow the maximum amount of information to be made public regarding definitions and partial sentences. Moreover, IGS failed to file a supplemental motion for protective order explaining why any information, outside of the scope of what has been delineated for protection by the Commission, should be granted protective treatment.

- (5) Accordingly, the attorney examiner directs IGS to reexamine its proposed redactions to the SMLA and confidential transcript, complying with the Commission's directives. Specifically, IGS should aim to leave as much information in the public record as possible. When redacting the SMLA and the confidential transcript, IGS is to keep punctuation, headings, parts of sentences, and discussions of objections in the open record. Wherever possible, IGS should avoid redacting entire paragraphs and should instead focus on removing only information that is confidential. Additionally, to facilitate consideration of IGS's arguments regarding the confidentiality of the information, the attorney examiner directs IGS to file a supplemental motion for protective order explaining, in specific detail by line item, word, and phrase, why IGS believes each piece of information it proposes to keep confidential should be subject to protection and citing any applicable provisions of the Ohio Revised Code. IGS should be as specific as possible in its arguments. IGS is directed to file its proposed redactions and motion for protective order by September 20, 2012.

It is, therefore,

ORDERED, That IGS follow the procedures set forth in finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

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in

Case No(s). 10-2395-GA-CSS

Summary: Attorney Examiner Entry granting IGS to reexamine its proposed redactions to the SMLA and confidential transcript, complying with the Commission's directives. - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio