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12-2662-GA-AGG

STITES & HARBISON PLLC
ATTORNEYS

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September 26, 2012

Docketing Division, 13th Floor
Public Utility Commission of Ohio
180 E. Broad Street
Columbus, OH 43215-3783

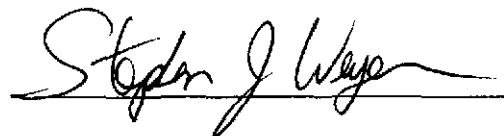
RE: Certification Application for Competitive Retail Natural Gas Brokers/Aggregator – Global Energy
Market Services, LLC
Case No. _____

To Whom It May Concern:

Please find enclosed 4 complete and 7 redacted copies of Applicant's Submission of Certification Application for Competitive Retail Natural Gas Brokers/Aggregator, including Exhibit C-3 Under Seal and Exhibit C-5 Under Seal. Included with the filing are the Exhibits C-3 and C-5 which are submitted under seal pursuant to OAC Rule 4901-1-24(E) pending further Commission order.

Also submitted are the original and eleven (11) conformed copies of Applicant's Motion for Protective Order also submitted under OAC Rule 4901-1-24.

Please docket the filings and return one (1) file-stamped copy of each to me.



Stephen J. Weyer
Supreme Court of Ohio No. 0068750
STITES & HARBISON, PLLC
1199 N. Fairfax Street
Suite 900
Alexandria, VA 22314
(703) 739-4900

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF)
THE CERTIFICATION APPLICATION)
OF GLOBAL ENERGY MARKET SERVICES, LLC)

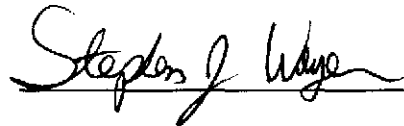
CASE NO. 12-2662-GA-AGG

APPLICANT'S MOTION FOR PROTECTIVE ORDER

Pursuant to OAC Rule 4901-1-24, Applicant Global Energy Market Services, LLC hereby moves the Public Utilities Commission for an order granting this motion for protective order and designating Applicant's Exhibits C-3 and C-5 filed coincident hereto under seal as confidential and proprietary until further ordered.

This motion is further supported by the attached Memorandum in Support. The motion is well-made and should be granted.

Respectfully submitted,



Stephen J. Weyer
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1199 N. Fairfax Street
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(703) 739-4900

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF)	
THE CERTIFICATION APPLICATION)	CASE NO.
OF GLOBAL ENERGY MARKET SERVICES, LLC)	

MEMORANDUM IN SUPPORT OF APPLICANT’S MOTION FOR PROTECTIVE ORDER

Applicant is filing a Certification Application for Competitive Retail Natural Gas Brokers/Aggregator, including Exhibits C-3 and C-5 under seal as Applicant contends these Exhibits include confidential and proprietary financial information not otherwise publically available. Applicant now moves for a protective order under OAC Rule 4901-1-24.

The Commission’s filing instructions for Certification Applications contemplate that some financial *information required to be submitted may be confidential and proprietary*. The filing instructions further provide that an applicant may file a motion for protective order under OAC 4901-1-24 where financial information may be appropriately subject to a protective order.

OAC Rule 4901-1-24 provides for motions for protective orders including where confidential financial information should not be subject to public disclosure. See OAC Rule 4901-1-24(A)(7). OAC Rules 4901-1-24(C) and (D) address the requirements for establishing a basis for a protective order. OAC Rule 4901-1-24(E) provides that pending a ruling on a motion for a protective order, the information shall be filed under seal and shall be treated as confidential and proprietary until the Commission rules on the motion for protective order.

The information submitted in Exhibit C-3 filed under seal includes financial information for Applicant’s parent company for 2010 and 2011. This information includes revenue, expenses, assets, liabilities and member’s equity balances. Applicant, and Applicant’s parent company are privately held companies. There financial information is not available and not ever released to the public. The financials of a privately held company are by their very nature, confidential, proprietary and not otherwise subject to public disclosure.

The information submitted in Exhibit C-5 filed under seal includes projected financial information for 2012, 2013 and 2014. This information includes revenue projections, including new contract revenue, expense information, net income and projected sales commissions. These financial projections reflect the future business plan of the Applicant and are, by their very nature, confidential, proprietary and not

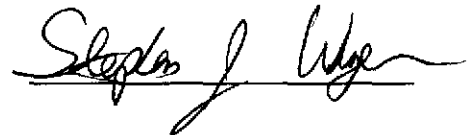
otherwise subject to public disclosure. The information should be protected from disclosure to avoid unfair competitive advantage to Applicant's potential vendors and competitors.

There are no other parties to this proceeding so there are no other competing interests for the Commission to weigh in considering this motion. The information will be available for the Staffs' review albeit under confidentiality provisions already provided by OAC Rule 4901-1-24(E). Accordingly, there is no legitimate reason to require public disclosure of this confidential and proprietary information.

OAC Rule 4901-1-24(B)(3) normally requires an affidavit of counsel setting forth efforts which have been made to resolve any differences with the party seeking discovery. This requirement is not otherwise applicable under the present circumstances since there are no opposing parties seeking discovery of otherwise confidential and proprietary information. The Commission's Staff will have full access to Exhibits C-3 and C-5 albeit under confidentiality provisions already provided by OAC Rule 4901-1-24(E).

Accordingly, Applicant submits that this motion for protective order is well-made and should be granted. Exhibits C-3 and C-5 filed under seal should remain subject to protective order until otherwise ordered by the Commission under OAC Rule 4901-1-24(E).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen J. Weyer", written over a horizontal line.

Stephen J. Weyer
Supreme Court of Ohio No. 0068750
STITES & HARBISON, PLLC
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Alexandria, VA 22314
(703) 739-4900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following by Elizabeth Ahrold this 15th day of ~~September~~^{October}, 2012.

Michael Palkowski
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, Ohio 43215


Elizabeth Ahrold