

**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)	

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**STAND ENERGY CORPORATION'S
MOTION TO EXTEND PREVIOUS PROTECTIVE ORDERS
FOR CRNGS RENEWAL EXHIBITS C-3 AND C-4**

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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: 1) renew and extend the protective orders previously granted to protect the confidentiality of, and thereby prohibit the disclosure of Exhibit C-3 (Financial Statements) and Exhibit C-4 (Financial Arrangements) attached to Stand Energy Corporation’s Applications for Renewal of CRNGS Certification and 2) grant a waiver from O.A.C. 4901-1.24(F) which otherwise causes any order prohibiting public disclosure of certain documents to automatically expire. A memorandum in support of this motion is attached.

Respectfully submitted,

STAND ENERGY CORPORATION

BY: 

A. BRIAN MCINTOSH (0067295)

ITS: ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that there are no parties of record in this case other than Stand Energy Corporation and the recipient of this filing, the Public Utilities Commission of Ohio this 17 day of October, 2012.


A. BRIAN MCINTOSH

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In the Matter of the Application of)	
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**MEMORANDUM IN SUPPORT OF STAND ENERGY CORPORATION'S
MOTION TO EXTEND PREVIOUS PROTECTIVE ORDERS
FOR CRNGS RENEWAL EXHIBITS C-3 AND C-4.**

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I. BACKGROUND

On October 4, 2002, Stand Energy Corporation filed its initial CRNGS Application. On November 6, 2002 Certificate 02-043(1) was issued to Stand Energy. Every two years since the Fall of 2002 (2004, 2006, 2008 and 2010) Stand Energy has filed for renewal of its CRNGS Application with the PUCO. At the same time, Stand Energy has requested and received confidential treatment for the financial and banking information contained in Exhibits C-3 and C-4.

Stand Energy Corporation is a privately-owned corporation. Stand Energy has never prepared forecasted financial statements for any business purpose except on occasion to submit that information as requested by, for example, PUCO CRNGS Exhibit C-5. For the 2012 Renewal Application that was just filed, Stand Energy did not prepare forecasted financial statements for the CRNGS renewal.

By Entry dated 1/21/2011, the Commission most recently ordered that the 2010 renewal

**Stand Energy Corporation's Motion To Extend Previous Protective Orders & Supporting
Memorandum
PUCO Case No. 02-2549-GA-CRS
Page 3 of 7**

application Exhibits C-3 and C-4 remain under seal until December 19, 2012. Rule 4901-1-24(F) requires this motion be filed to extend the Protective Order beyond December 19, 2012. Continued protection of the documents is appropriate because the Exhibits contain proprietary and sensitive business financial and banking information relative to Stand Energy that is not generally known to the public and which competitors could unfairly use to their advantage.

II. STAND ENERGY'S CONFIDENTIAL DOCUMENTS SHOULD BE PROTECTED.

R.C. §1333.61(D) defines financial information, *inter alia*, as a "trade secret." While the information in Exhibits C-3 and C-4 is being made available to the Commission in order for it to perform its evaluation, the applicant's financial and banking 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 requested and Stand Energy provided 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 and banking 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 that the Commission and Staff maintain the confidential nature of these documents and protect the documents from public disclosure.

R.C. 4929.23 allows the commission to take such "measures as it considers necessary to protect the confidentiality" of information submitted to it. **Rule 4901-1-24(A)(7), O.A.C.** provides for the PUCO to issue an order 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).

Stand Energy is a privately-owned corporation. As such, its financial records including financial statements and banking information are not available to the general public. Stand Energy requires all of its employees to sign confidentiality agreements upon employment promising not to disclose trade secrets. The financial statements and banking information are only available to select Stand Energy employees. Obtaining trade secret information occurs only on a “need-to-know” basis at Stand Energy Corporation. Furthermore, when suppliers and trading partners request financial information, the disclosure of financial statements is always preceded by the execution of an industry-standard confidentiality agreement. Furthermore, access to Stand Energy’s general ledger financial software is likewise limited to select employees and is password protected. When paper copies of financial and banking records are no longer required, they are shredded. For all these reasons, public disclosure of Stand Energy's financial

and banking 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 and banking information contained in 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 by Stand Energy Corporation.

Ohio law and previous Commission precedent 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 and banking information contained in Exhibits C-3 and C-4 be deemed to continue to contain trade secrets, and thus, treated as confidential by the Commission and its Staff and that confidential protection be extended.

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

Respectfully submitted,

STAND ENERGY CORPORATION

BY: 
A. BRIAN MCINTOSH (0067295)
ITS: ATTORNEY

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I hereby certify that there are no parties of record in this case other than Stand Energy Corporation and the recipient of this filing, the Public Utilities Commission of Ohio this 17 day of October, 2012.



A. BRIAN MCINTOSH

This foregoing document was electronically filed with the Public Utilities

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Summary: Motion Stand Energy Corporation's Motion To Extend Previous Protective Orders For CRNGS Renewal Exhibits C-3 and C-4. electronically filed by John M. Dosker on behalf of Stand Energy Corporation