

**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 FOR PROTECTIVE ORDER AND WAIVER
FOR 2012 CRNGS RENEWAL EXHIBIT C-5**

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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 issue a protective order to protect the confidentiality of, and thereby prohibit the disclosure of, certain documents filed simultaneously under seal with this motion and to issue a waiver of the 18-month renewal requirement of Rule 4901-1-24(F) which causes any order prohibiting public disclosure of certain documents to automatically expire.

The documents at issue, are required as part of the process of recertification as an approved Retail Natural Gas Supplier in Ohio. Specifically, Stand Energy submits that its Exhibit C-5 (Forecasted Financial Statements) are proprietary and sensitive financial information. The documents have been marked “Confidential”, and are herewith filed under seal simultaneous with the filing of the Supplement to Stand’s 2012 Application

for Re-Certification as a Competitive Retail Natural Gas Supplier. A memorandum in support of this motion is attached.

Respectfully submitted,


STAND ENERGY CORPORATION

BY: 
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CERTIFICATE OF SERVICE

I hereby certify that there are no parties of record in this case other than Stand Energy and that this Motion and Memorandum were filed with the Supplement To Stand Energy's 2012 Recertification filing this 25th 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 FOR PROTECTIVE ORDER AND WAIVER
FOR 2012 CRNGS RENEWAL EXHIBIT C-5.**

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Simultaneous with the filing of this Motion for Protective Order, Stand Energy Corporation (“Stand”) has filed a Supplement to its 2012 Application with the Public Utilities Commission of Ohio for Re-Certification as a Competitive Retail Natural Gas Supplier. Section C-5 of the application requests forecasted financial information. The response to this section is being filed under seal because the documents contain proprietary and sensitive financial information relative to Stand Energy that is not generally known to the public and which competitors could unfairly use to their advantage.

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 evaluations, 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 forecasted financial statements (C-5). Public disclosure of the strategic information contained in 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 files this motion requesting the Commission and Staff to maintain the confidential nature of these documents and to protect the documents from public disclosure.

Rule 4901-1-24(D), 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 and banking information requested in Application Exhibits C-3 and C-4 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).

Stand Energy is a privately-owned corporation. As such, its financial records including financial statements 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 are not available to all Stand Energy employees. Instead, obtaining this information occurs only on a “need-to-know” basis. Furthermore, when suppliers and trading partners request financial information, the disclosure of the financials is always preceded by the execution of a confidentiality agreement. Access to Stand Energy’s general ledger financial software is limited to certain employees and password protected. When paper copies of financial records are no longer required, they are shredded. For all these reasons, public disclosure of Stand Energy's forecasted financial 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 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 by Stand Energy.

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 information contained in Exhibit C-5 be deemed to contain trade secrets, and thus, treated as confidential by the Commission and its Staff.

In addition to the Motion For Protective Order, Stand requests a waiver of Rule 4901-1-24(F) O.A.C.¹ The necessity, as specified in that Rule, of filing additional motions every 18 months to renew the protective order is unduly burdensome and time consuming for both the Retail Natural Gas Supplier and the Commission. Certainly, very little could transpire during any such period that would make the information less sensitive or less confidential. Consequently, Stand requests that the Commission grant a waiver from Rule 4901-1-24(F) and maintain protection of Stand's forecasted financial information contained in Application Exhibit C-5, from public disclosure for a period of at least two years or until the next recertification as a CRNGS, whichever is later, subject to further order of the Commission.

WHEREFORE, for the reasons stated herein, Stand requests that the Commission grant its Motion for Protective Order and Waiver.

Respectfully submitted,

STAND ENERGY CORPORATION

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¹ "Unless otherwise ordered, any order prohibiting public disclosure pursuant to paragraph (D) of this rule shall automatically expire eighteen months after the date of its issuance, and such information may then be included in the public record of the proceeding."