

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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IN THE MATTER OF)
THE CERTIFICATION APPLICATION)
OF EMUNA ENERGY, LLC)

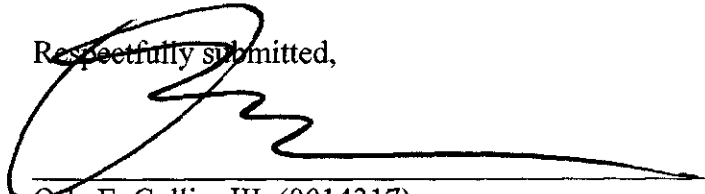
CASE NO. 13-599 PUCO
-EL-AGG

APPLICANT'S MOTION FOR PROTECTIVE ORDER

Pursuant to OAC Rule 4901-1-24, Applicant Emuna Energy, 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,



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MEMORANDUM IN SUPPORT OF
APPLICANT'S MOTION FOR PROTECTIVE ORDER

Applicant Emuna Energy LLC has filed its Certification Application For Aggregators. Coincident with this filing, Applicant has submitted Exhibits C-3 and C-5 under seal as Applicant contends these Exhibits include confidential and proprietary financial information not otherwise publicly 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 or proprietary until the Commission rules on the motion for protective order.

The information submitted in Exhibit C-3 filed under seal includes financial statements (balance sheet, income statement and cash flow statement) and Exhibit C-5 includes projected

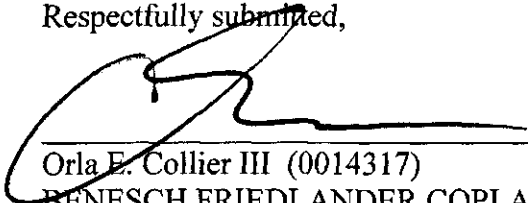
financial information for two (2) years. This information includes revenue projections, including new contract revenue, expense information, net income and projected sales commissions both in gross and on a percentage basis. These current financial statements and financial projections reflect the current operations and 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 Staff's 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.

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,



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