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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of)
Stand Energy Corporation for) Case No. 13-634-EL-CRS
Certification as a Competitive Retail)
Electric Supplier)

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STAND ENERGY CORPORATION'S
MOTION FOR PROTECTIVE ORDER
FOR 2013 CRES EXHIBITS C-3, C-4 AND C-5

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Pursuant to Rule 4901-1-24-08 of the Ohio Administrative Code ("OAC"), 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 for the statutory period of six (6) years.

The documents at issue are required as part of the process of obtaining certification as an approved Competitive Retail Electric Supplier ("CRES") in Ohio. Specifically, Stand submits that its Exhibits C-3 (Financial Statements), C-4 (Financial Arrangements) and 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 Stand's 2013 CRES Application. A memorandum in support of this motion is attached.

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Respectfully submitted,

STAND ENERGY CORPORATION

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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 was filed contemporaneously with Stand Energy's 2013 CRES Application this 11th day of March, 2013.


DOMINIQUE MIX

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Stand Energy Corporation for)	Case No. 13-_____ -EL-CRS
Certification as a Competitive Retail)	
Electric Supplier)	

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**MEMORANDUM IN SUPPORT OF STAND ENERGY CORPORATION'S
MOTION FOR PROTECTIVE ORDER FOR 2013
CRES APPLICATION EXHIBITS C-3, C-4 AND C-5.**

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Simultaneous with the filing of this Motion for Protective Order, Stand Energy Corporation ("Stand") has filed its 2013 Application with the Public Utilities Commission of Ohio for Certification as a Competitive Retail Electric Supplier ("CRES"). Sections C-3, C-4 and C-5 of the application request confidential financial and other proprietary and trade secret information. The responses to these sections are being filed under seal because the answers and documents contain proprietary and sensitive financial information relative to Stand, including trade secret information 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":

"Trade secret" means information, including . . . 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.

The Commission has requested information regarding Stand's financial statements (C-3); financial arrangements (C-4) and forecasted financial statements (C-5). The confidentiality of this information derives independent economic value by allowing Stand to remain competitive in a highly competitive industry. Public disclosure of the strategic information contained in these proprietary financial documents could have a material and profoundly detrimental impact on Stand's ability to compete in the marketplace by allowing competitors to take advantage of our strategies in the pricing and sales. Additionally, public disclosure of Stand's historic and forecasted financial information or financial arrangements could jeopardize Stand's business position in negotiations with third parties. As such, this information has the independent economic value of a trade secret as defined in ORC 1333.61(D)(1).

Stand takes all reasonable efforts to protect the secrecy of the information included in C-3, C-4 and C-5. As a privately-held corporation, Stand's financial records, including financial statements and financial arrangements, are not available to the general public. Stand requires all of its employees to sign confidentiality agreements upon employment promising not to disclose trade secrets. The company's financial statements are not available to all Stand 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'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. These actions show that Stand is

taking all reasonable actions to maintain the secrecy of the information requested in C-3, C-4, and C-5, thus satisfying ORC 1333.61(D)(2).

For these reasons, Stand's financial statements (C-3); financial arrangements (C-4) and forecasted financial statements (C-5) fall under the definition of a "trade secret" as defined in § 1333.61(D).

OAC 4901-1-24(D) provides for the issuance of an order necessary to protect the confidentiality of information contained in documents filed at the Commission, when the information is deemed a trade secret under Ohio law and 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, C-4 and C-5 is competitively sensitive and highly proprietary, clearly falling within the statutory definition of trade secret, as explained above. Additionally, non-disclosure of this information will not impair the purposes of Title 49. The Commission and its Staff will have full access to the requested information to complete their review process, thus allowing the Commission to exercise its jurisdiction under Title 49 without disclosing this sensitive material. Therefore, the non-disclosure of this material is not inconsistent with the purposes of Title 49 of the Revised Code.

Because the material in C-3, C-4 and C-5 falls under the definition of trade secrets as defined in ORC 1333.61, and because its non-disclosure is not inconsistent with the purposes of Title 49, an order protecting the confidentiality of this information should be issued.

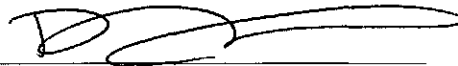
Stand respectfully requests the Commission issue a protective to maintain protection of Stand's historical and forecasted financial information and financial

arrangements contained in Application Exhibits C-3, C-4 and C-5, from public disclosure for a period of six years, subject to further order of the Commission.

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

Respectfully submitted,

STAND ENERGY CORPORATION

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