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& DOUGHERTY CO., L.P.A. attorneys at law

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Leigh A. Maxa

Direct Phone: (330) 436-5304

Facsimile: (330) 535-4809

lmaxa@kwgd.com

November 14, 2013

**VIA OVERNIGHT DELIVERY**

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

RE: Case No. 09-949-EL-AGG, *In the Matter of the Application of Reflective Energy Solutions, LLC for a Renewal Certificate as Aggregator/Power Broker*

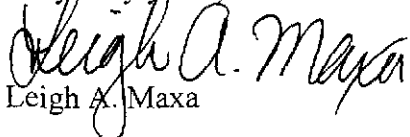
Case No. 09-950-GA-AGG, *In the Matter of the Application of Reflective Energy Solutions, LLC for a Renewal Certificate to Provide Retail Natural Gas Service in Ohio*

Dear Sir/Madam:

This office represents Reflective Energy Solutions, LLC with respect to the above-referenced applications. Enclosed please find the original and three (3) copies each of two (2) Motions for Protective Order for filing on behalf of Reflective Energy Solutions, LLC in the captioned cases. Also enclosed are two (2) envelopes, each containing the original and three (3) copies of Exhibits C-3 and C-5, for filing under seal in the respective cases pursuant to the Motions. Please file in your customary manner and return a time-stamped copy to me in the envelope provided.

Please contact me if you have any questions or require any additional information.

Very truly yours,

  
Leigh A. Maxa

LAM/jdw  
Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
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FILE

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV

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In the Matter of the Application of )  
Reflective Energy Solutions, LLC for a ) Case No. 09-0950-GA-AGG  
Renewal Certificate to Provide Retail )  
Natural Gas Service in Ohio )

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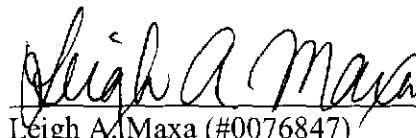
MOTION FOR PROTECTIVE ORDER

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Pursuant to Section 4901-1-24(D) of the Ohio Administrative Code, Reflective Energy Solutions, LLC ("RES") respectfully moves the Public Utilities Commission of Ohio for an Order protecting the confidentiality of the information contained in Exhibits C-3 and C-5 submitted in connection with RES's Renewal Certification Application, Competitive Retail Natural Gas Brokers/Aggregators (as Broker). The grounds for this Motion are set forth in the attached Memorandum in Support.

Dated: November 14, 2013

Respectfully submitted,



Leigh A. Maxa (#0076847)  
Kruglik Wilkins Griffiths & Dougherty Co., LPA  
50 S. Main Street, Suite 501  
Akron, Ohio 44308  
Phone: (330) 535-4830  
Facsimile: (330) 535-4809  
lmaxa@kwgd.com

*Counsel for Reflective Energy Solutions, LLC*

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## MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

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### I. BACKGROUND

Reflective Energy Solutions, LLC (“RES”) seeks an order protecting the confidentiality of the information contained in Exhibits C-3 and C-5 filed with the Public Utilities Commission of Ohio (the “Commission”) in connection with RES’s Renewal Certification Application, Competitive Retail Natural Gas Aggregators/Brokers (as Broker) (the “Gas Renewal Application”).

On or about November 6, 2013, RES filed its Gas Renewal Application with the Commission, with Exhibits C-3 and C-5 thereto in redacted form.

RES is contemporaneously filing un-redacted copies of Exhibits C-3 and C-5 to its Gas Renewal Application under seal pursuant to this Motion, with each page marked as “Confidential”. Exhibit C-3 contains RES’s officer certified financial statements, and Exhibit C-5 contains RES’s forecasted financial statements.

### II. LAW AND ARGUMENT

Under Ohio Administrative Code Section 4901-1-24(D):

Upon motion of any party or person with regard to the filing of a document with the commission’s docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or an attorney examiner **may issue any order which is necessary to protect the confidentiality of information contained in the document**, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

(Emphasis added). RES seeks to protect the confidentiality of the information contained in Exhibits C-3 and C-5 filed with the Commission in connection with its Gas Renewal Application.

Ohio Revised Code Section 4929.20(A) provides:

No...retail natural gas supplier shall provide a competitive retail natural gas service on or after thirteen months following the effective date of this section to a consumer in this state without first being certified by the public utilities commission regarding its managerial, technical, and **financial capability to provide that service and providing reasonable financial assurances** sufficient to protect customers and natural gas companies from default.

(Emphasis added). In keeping with this mandate, the Commission requires an applicant who wishes to serve as a retail natural gas aggregator and broker to provide the Commission with, among other things, the applicant's two (2) most recent years of audited or officer-certified financial statements (Exhibit C-3 to the Gas Renewal Application) and two (2) years of forecasted financial statements for the applicant (Exhibit C-5 to the Gas Renewal Application).

The detailed financial information requested by the Commission is highly proprietary information and constitutes a trade secret under Ohio law. Under Ohio Revised Code Section 1333.61(D):

"Trade Secret" means information, including the whole or any portion or phase of...any business information or plans, financial information...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.

RES is a privately held limited liability company whose financial information is not publicly available and is not generally known. If this sensitive information is disclosed to the public, RES's competitors will unjustly benefit therefrom. Accordingly, the information contained in Exhibits C-3 and C-5 to RES's Gas Renewal Application clearly falls within the scope of the Ohio Revised Code's definition of a "trade secret." Under these circumstances, the Commission has the authority to issue a protective order to prevent the public disclosure of RES's confidential and trade secret information. See O.A.C. 4901-1-24(D).

WHEREFORE, pursuant to Ohio Administrative Code Section 4901-1-24(D), Reflective Energy Solutions, LLC respectfully requests that the Commission grant its Motion and issue a Protective Order to maintain the information contained in Exhibits C-3 and C-5 of RES's Gas Renewal Application under seal and confidential.

Dated: November 14, 2013

Respectfully submitted,



Leigh A. Maxa (#0076847)  
Krugliak Wilkins Griffiths & Dougherty Co., LPA  
50 S. Main Street, Suite 501  
Akron, Ohio 44308  
Phone: (330) 535-4830  
Facsimile: (330) 535-4809  
lmaxa@kwgd.com

*Counsel for Reflective Energy Solutions, LLC*