

FILE



SEC

**STAND ENERGY
CORPORATION**

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August 28, 2014

VIA UPS NEXT DAY AIR

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

Re: Case No. 02-2549-GA-CRS

Ladies and Gentlemen:

Enclosed for filing are an original and three (3) copies of *Stand Energy Corporation's Renewal Certification Application as a Competitive Retail Natural Gas Supplier (CRNGS)* docketed under PUCO Case No. 02-2549-GA-CRS.

Please note that Exhibits, C-3, C-4 and C-5 are filed under seal. Stand Energy files the enclosed original *Motion and Memorandum For Protective Order* and ten (10) copies addressing the issue of confidentiality and trade secret status of the sealed exhibits.

You may contact me if you have any questions about these filings.

Sincerely,

Kate Bedinghaus

Kate Bedinghaus
Associate Counsel

Enclosures

This is to certify that the document described above is
accurate and true. The reproduction of this document
delivered in the regular course of business.
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2014 AUG 29 AM 11:01
PUCO

**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 FOR CERTAIN
2014 CRNGS RENEWAL EXHIBITS**

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Pursuant to Rule 4901-1-24(F) of the Ohio Admin. Code, Stand Energy Corporation (“Stand”) respectfully moves the Public Utilities Commission of Ohio (“Commission”) 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.

The documents at issue are required as part of the process of recertification as an approved Competitive Retail Natural Gas Supplier (“CRNGS”) in Ohio. Specifically, Stand submits that its Exhibit C-3 (Current Financial Statements), Exhibit C-4 (Financial Arrangements) and Exhibit C-5 (Forecasted Financial Statements) are proprietary and sensitive financial information.

In accordance with Ohio Admin. Code 4901-1-24(D), three (3) unredacted copies of the confidential documents are submitted under seal with this Motion and each page of the confidential material filed under seal is marked “Confidential.” These documents are herewith filed simultaneously with the timely filing of Stand’s 2014 Application for Renewal Certification

as a CRNGS. The grounds supporting this Motion are more fully explained in the attached Memorandum in Support.

Respectfully submitted,

STAND ENERGY CORPORATION

BY: Kate Bedinghaus
Kate Bedinghaus (0072613)
Associate Counsel
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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 27th day of August, 2014.

BY: Kate Bedinghaus
Kate Bedinghaus

**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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**MEMORANDUM IN SUPPORT OF STAND ENERGY CORPORATION'S
MOTION FOR PROTECTIVE ORDER FOR CERTAIN
2014 CRNGS RENEWAL EXHIBITS**

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Simultaneous with the filing of this Motion for Protective Order, Stand Energy Corporation (“Stand”) has filed its 2014 Application with the Public Utilities Commission of Ohio for Renewal Certification as a Competitive Retail Natural Gas Supplier (“2014 Renewal”). Three sections of the Application, C-3, C-4 and C-5, request detailed financial and banking information. The responses to these application sections are being filed under seal because the documents contain proprietary and sensitive financial and banking information relative to Stand that is not generally known to the public and which competitors could unfairly use to their advantage.

Ohio law defines a trade secret to include “financial information,” § 1333.61(D), Ohio Revised Code (Ohio R.C.). While the information in Exhibits C-3, C-4 and C-5 of the 2014 Renewal is made available to the Commission in order for it to perform its evaluation, Stand’s financial and banking information should not be made available to parties that are not directly charged by the legislature with authority to review Stand’s 2014 Renewal or the general public.

Additionally, the general public should not have access to this information because Stand is a privately-owned company.

The Commission requested that Stand provide information regarding its financial statements (C-3), financial arrangements (C-4) and forecasted financial statements (C-5). Public disclosure of this strategic information and these proprietary financial and banking documents could have a material and profoundly detrimental impact on Stand's ability to compete in the marketplace. Therefore, Stand requests that the Commission and Staff maintain the confidential nature of these documents and protect the documents from public disclosure.

Ohio R.C. § 4905.07, provides that all facts and information in the possession of the Commission shall be public, except as provided in Ohio R.C. § 149.43, and as consistent with the purposes of Title 49 of the Revised Code. Ohio R.C. § 149.43 specifies that the term "public records" excludes information which, under state or federal law, may not be released. The Ohio Supreme Court has clarified that the "state or federal law" exemption is intended to cover trade secrets. *State ex rel. Besser v. Ohio State* (2000), 89 Ohio St.3d 396, 399, 732 N.E.2d 373. Similarly, Rule 4901-1-24 of the Ohio Admin. Code, allows an attorney examiner to issue an order to protect the confidentiality of information contained in a filed document, "to the extent that state or federal law prohibits release of the information, including where the information is deemed . . . to constitute 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 information requested in Stands 2014 Renewal Exhibits C-3, C-4 and C-5 is competitively sensitive and highly proprietary trade secret information pursuant to the Ohio statutory definition. Ohio law defines trade secret as "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." Ohio R.C. § 1333.61(D).

Stand is a privately-owned corporation. As such, its financial records, including financial statements and banking information 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 financial statements and banking information are only available to select Stand employees. Obtaining trade secret information occurs only on a “need-to-know” basis at Stand Energy Corporation. Additionally, 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’s general ledger financial software is likewise limited to select employees and is password protected. When paper copies of financials and banking records are no longer required, they are shredded. For all of these reasons, public disclosure of Stand’s financial and banking information could jeopardize Stand’s business position in negotiations with third parties and potentially compromise Stand’s ability to compete. Stand respectfully asserts that the financial and banking information contained in Exhibits C-3, C-4 and C-5 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 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 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, C-4 and C-5 be deemed to contain trade secrets, and thus, be treated as confidential by the Commission and its Staff.

WHEREFORE, for the reasons state herein, Stand requests that the Commission grant its Motion for Protective Order for Exhibits C-3, C-4 and C-5 of its 2014 Renewal Application.

Respectfully submitted,

STAND ENERGY CORPORATION

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