

FILE

STATE OF OHIO
PUBLIC UTILITY COMMISSION

15-650-GA-AGG

APPLICATION OF TAYLOR
CONSULTING AND CONTRACTING, LLC
TO PROVIDE SERVICES
AS A NATURAL GAS BROKER/AGGREGATOR

DOCKET NO:

March 31, 2015

***MOTION FOR A PROTECTIVE ORDER
PREVENTING DISCLOSURE OF FINANCIAL INFORMATION***

NOW COMES the Petitioner/Applicant, Taylor Consulting and Contracting LLC, ("Taylor") by and through its attorney, and Chief Executive Officer, Karen Tomaine, Esq., and respectfully requests the Commission to issue the attached Protective Order, so that certain confidential financial information contained in Taylor's application be maintained under protective seal, subject to review by Commission personnel, and subject to appropriate safeguards as spelled out in the proposed Protective Order. In support of its Motion, Taylor represents as follows:

1. Taylor Consulting and Contracting LLC, ("Taylor") is applying for a certification to provide services as a natural gas aggregator and broker in the state of Ohio.
2. Taylor is a small woman owned business and limited liability company in which Karen Tomaine, Chief Executive Officer is 100% owner.
3. Taylor is not a publicly held corporation and therefore does not have an obligation to disclose its financial information to shareholders or to the public.
4. Taylor has submitted, in a sealed envelope, financial information which is privileged and confidential and is not otherwise available to the public. Taylor has filed the Confidential Information in order to demonstrate that it is financially capable of providing natural gas broker/aggregation services to customers in Ohio. Taylor views its finances as confidential, proprietary data of the Company.
5. Taylor contends that disclosure of its financial information could give its competitors access to confidential and privileged information to which it would not otherwise have access; would allow them to determine and seek to undermine the nature and scope of Taylor's business; would provide its competitors with an unfair business advantage, or the opportunity of obtaining such advantage; or would otherwise be detrimental to the commercial interests of Taylor.

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6. Taylor maintains that such disclosure of personal worth and personal financial data would be detrimental to the personal privacy interests of Karen Tomaine, Chief Executive Officer and 100% owner.

7. Taylor exercises due diligence to keep its financial statements secure in order to maintain their confidentiality. Taylor has never disclosed or released such information to the public, and does not disseminate it to its employees other than those very few employees with a specific need to know, and would be harmed by public disclosure.

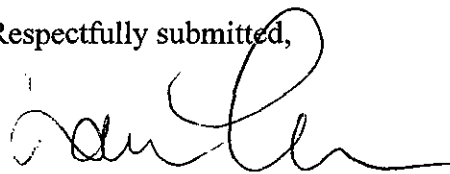
8. No legitimate public interest will be served by disclosure of said information to the public or to any individuals other than the Commissioners and appropriate personnel at the Public Utility Commission.

9. Attached hereto are a proposed Protective Order for the Commission's use in conjunction with this Motion (Attachment A) and the Sworn Statement of Karen Tomaine in support of this Motion (Attachment B).

11. The undersigned verifies under penalty of perjury that the facts contained in this Petition are true and correct to the best of my knowledge, information and belief, as verified in the accompanying Sworn Statement, Attachment B.

WHEREFORE, based upon the foregoing, Taylor Consulting and Contracting LLC, respectfully requests that the Commission determine that Taylor's Profit and Loss Statement and Balance Sheet constitute "confidential information" which is not subject to public disclosure and further requests that the Commission keep this information protected and under seal pursuant to the terms and conditions of the proposed Protective Order attached hereto.

Respectfully submitted,

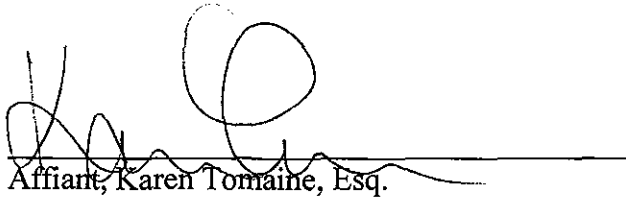
A handwritten signature in black ink, appearing to read 'Karen Tomaine', written over a horizontal line.

Karen Tomaine, Esq.
Chief Executive Officer
Taylor Consulting and Contracting LLC
625 Main Street
Avoca, PA 18641

**ATTACHMENT B
SWORN STATEMENT**

Karen Tomaine, Esq., Affiant, being duly sworn according to law, deposes and says that:

1. I am the Chief Executive Officer of Taylor Consulting and Contracting, LLC,
625 Main Street, Avoca, Pennsylvania, 18641.
2. I am authorized to make this statement on behalf of Taylor Consulting and Contracting, LLC.
3. That the facts above set forth in the Petition for a Protective Order are true and correct to the best
of my knowledge, information, and belief.
4. I make this statement under penalty of perjury.

A handwritten signature in black ink, appearing to read 'Karen Tomaine', is written over a horizontal line.

Affiant, Karen Tomaine, Esq.
Chief Executive Officer
Taylor Consulting and Contracting, LLC
625 Main Street
Avoca, PA 18641

BEFORE THE PUBLIC UTILITY COMMISSION

***MEMORANDUM OF LAW IN SUPPORT OF
MOTION OF TAYLOR CONSULTING AND CONTRACTING
FOR A PROTECTIVE ORDER
PREVENTING DISCLOSURE OF ITS FINANCIAL INFORMATION***

STATEMENT OF FACTS

Petitioner/Applicant, Taylor Consulting and Contracting LLC, ("Taylor) is applying for a license as a natural gas aggregator in the state of Ohio. Taylor is a small woman owned business and is a privately held limited liability company with 100% of its ownership interest held by Karen Tomaine, Chief Executive Officer. Consequently, the financial data is basically all the personal financial information of Karen Tomaine, the undersigned. Taylor is not a publicly held corporation and therefore does not have an obligation to disclose its financial information to shareholders or to the public.

Taylor has filed a Motion for Protective Order to safeguard its confidential financial information. That Motion and the facts contained therein are incorporated by reference into this Memorandum.

ARGUMENT

This motion is made pursuant to the Privacy Act, 5 U.S.C. 552a, which provides exemptions from public disclosure for "commercial or financial information given in confidence, not required by statute;" "... personal financial data," and "[t]rade secrets, ... including ... cost data, or customer lists that (i) derive 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, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy" which apply to the attached Information.

The Privacy Act provides in pertinent part at Sec. 1-210, "Access to public records, Exempt records, as follows:

(b) Nothing in the Freedom of Information Act shall be construed to require disclosure of:

(B) Commercial or financial information given in confidence, not required by statute;

((8) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for the license, certificate or permit applied for.

Exemption 4 of the Freedom of Information Act protects "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). National Parks and Conservation Association v. Morton, 162 U.S. App. D.C. 223, 498 F. 2d 769, 771 (D.C. Cir. 1974); See also Critical Mass v. Nuclear Regulatory Commission, 975 F. 2d 872, 877 (1st Cir 1992). This exemption "protects persons who submit financial or commercial data to government agencies from the competitive disadvantages which would result from its publication." C]ommercial or financial matter is "confidential" ... if disclosure of the information is likely ... either ... (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. Id. Based on the foregoing, Taylor maintains that its financial information is protected from disclosure and respectfully asks the Commission to issue a Protective Order.

Taylor is not a publicly held corporation which has an obligation to disclose its financial information to shareholders or to the public. This information is not readily ascertainable and Taylor exercises due diligence to maintain the confidentiality of this information, has never disclosed or released such information to the public, and does not disseminate it to its employees other than those few employees with a specific need to know.

Public disclosure of Taylor's financial information could give its competitors access to confidential and privileged information to which it would not otherwise have access. Disclosure could

allow them to determine and seek to undermine the nature and scope of Taylor's business. Taylor maintains that such disclosure would provide its competitors with an unfair business advantage, or the opportunity of obtaining such advantage, or would otherwise be detrimental Taylor's business interests.

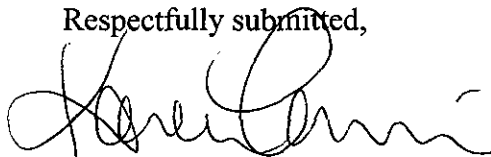
This information constitutes the personal financial data of Karen Tomaine, Chief Executive Officer and 100% owner. Such disclosure of personal worth and personal financial data would be an invasion of her personal privacy interests and does not pertain to legitimate matters of public concern.

No legitimate public interest will be served by disclosure of said information to the public or to any individuals other than the Commissioners and appropriate personnel at the Public Utility Commission or the Office of Consumer Counsel.

CONCLUSION

WHEREFORE, based upon the foregoing, Taylor Consulting and Contracting LLC, respectfully requests that the Public Utility Commission determine that Taylor's financial documents constitute "confidential information" which is not subject to public disclosure and further requests that the Commission keep this information protected and under seal pursuant to the terms and conditions of the proposed Protective Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen Tomaine', written in a cursive style.

Karen Tomaine, Esq.
Chief Executive Officer
Taylor Consulting and Contracting LLC