

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Vista	)	
Energy Marketing, L.P. for Certification as a	)	
Competitive Retail Natural Gas Supplier in	)	Case No. 16-2025-GA-CRS
Accordance with Ohio Administrative Code	)	
Chapter 4901:1-21	)	

**VISTA ENERGY MARKETING, L.P.’S MOTION FOR PROTECTIVE ORDER**

Vista Energy Marketing, L.P. (“Vista”), by its attorneys and pursuant to Section 4901-1-24(D) of the Commission’s rules (O.A.C. §4901-1-24(D)) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”) for a protective order keeping confidential the information contained in Exhibits A-16(b), B-3, B-4, C-3, C-4, C-5, C-7, and C-10 to Vista’s Application for Certification as a Competitive Retail Natural Gas Supplier (“Application”). The reasons underlying this Motion are detailed in the attached Memorandum in Support. Consistent with the requirements of Section 4901-1-24(D) of the Commission’s Rules, unredacted copies of the confidential information which is the subject of this motion have been filed under seal.

Respectfully submitted,

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## **MEMORANDUM IN SUPPORT**

Vista Energy Marketing, L.P. (“Vista”) respectfully requests that the Public Utilities Commission of Ohio (“PUCO”) issue a protective order granting confidential treatment of Exhibits A-16(b), B-3, B-4, C-3, C-4, C-5, C-7, and C-10 to the accompanying Application of Vista for Certification as a Competitive Retail Natural Gas Supplier (“Application”), along with any and all copies, including electronic copies. These Exhibits contain information regarding Vista’s corporate structure, financial information, legal matters, and information on the number of customers served by Vista, respectively.

Section 4901-1-24(D) of the Commission’s rules provide that the Commission and designated staff may issue an order which is necessary to protect the confidentiality of information contained in documents filed with the Commission’s Docketing Division:

to the extent that state or federal law prohibits the release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or an attorney examiner 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.

As set forth herein, state law prohibits the release of the information that is the subject of this motion as a protected “trade secret.” Moreover, the non-disclosure of the information will not impair the purposes of Title 49.

The Ohio Supreme Court has instructed that the following factors set forth in the Uniform Trade Secrets Act are relevant to determining whether information constitutes trade secrets under Ohio law:

(1)The extent to which the information is known outside the business; (2) the extent to which it is known inside the business, *i.e.*, by the employees; (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information; (4) the savings effected and the value to the holder in having the

information as against competitors; (5) the amount of effort or money expended in obtaining and developing the information; and (6) the amount of time and expense it would take for others to acquire and duplicate the information.

*State ex rel. The Plain Dealer v. Ohio Dept of Ins.*, 80 Ohio St. 3d 513 (1997).

Exhibits A-16(b), B-3, B-4, C-3, C-4, C-5, C-7, and C-10 to the Application contain highly confidential trade secret information. First, Vista is a privately held corporation and does not enclose the information contained in the Exhibits to anyone outside of the company other than its attorneys and accountants. Second, within the company, Vista only discloses this information to its management team. Third, Vista has taken appropriate precautions to guard the secrecy of the information including stamping it as confidential in the ordinary course of business and filing it under seal in other jurisdictions where it serves as natural gas supplier. Finally, release of the information Vista seeks to protect is likely to result in a competitive disadvantage for Vista, as it contains the intimate details of Vista's current and projected finances and its strategic allocation of resources for the Ohio natural gas market.

For the foregoing reasons, the Commission, pursuant to Rule 4901-1-24(D), should grant Vista's Motion for a Protective Order to Protect the Confidentiality of Information Contained in Exhibits A-16(b), B-3, B-4, C-3, C-4, C-5, C-7, and C-10.

Dated: October 17, 2016

Respectfully submitted,

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Summary: Motion for Protective Order electronically filed by Ms. Rebekah J. Glover on behalf of Vista Energy Marketing, L.P.