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STATE OF OHIO

PUBLIC UTILITIES COMMISSION OF OHIO

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National Gas & Electric, LLC) Certificate No 16-495G & 16-1036E
Assignment of Customer Contracts)

NATIONAL GAS & ELECTRIC, LLC'S
MOTION FOR ENTRY OF A PROTECTIVE ORDER

National Gas & Electric, LLC ("NGE"), pursuant to Section Rule 4901-1-24 of the Ohio Administrative Code, respectfully moves for entry of a Protective Order with respect to certain confidential and proprietary information contained in the Notice of Assignment of Customer Contracts from NGE of its electric and natural gas customers to Verde Energy USA Ohio, LLC. A redacted version of said Assignment and Exhibits is attached hereto. In support of this Motion for Entry of a Protective Order, NGE states the following grounds:

1. Description of Confidential Information

On March 13, 2018, NGE filed an Assignment of Transfer of Customer Contracts pursuant to Section Rule 4901-1-24 of the Ohio Administrative Code ("Application") to transfer its Electric and Natural Gas Customer Accounts to Verde Energy USA Ohio, LLC. This information is highly confidential and strictly proprietary, such that the public disclosure of such information may result in direct, immediate and substantial harm to the competitive position of NGE in Massachusetts and elsewhere as well as impair the Commission's ability to induce applicants to submit similar competitive information to the Commission in the future.

2. Grounds for Claim of Confidential Treatment Pursuant to Protective Order

As a private company, NGE has no legal obligation to publicly disclose its gross revenue data, customer counts, and other third party customer information. As such, the information NGE seeks to protect from public disclosure is not readily available to persons external to NGE. Because certain information submitted by NGE in its Application is confidential and commercially-sensitive information from which its competitors may derive economic value, NGE seeks to protect such material from public disclosure. NGE derives independent economic value from the fact that confidential information regarding its gross revenue data and customer base is unknown to its competitors. Given this fact, the disclosure of this information could provide existing and potential competitors, including other ARES and AGS in Ohio as

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well as in other states in which NGE will provide competitive retail electric service, with an unfair and undeserved competitive advantage.

CONCLUSION

The information included in support of NGE's Application for which confidential treatment by virtue of a Protective Order is sought is both proprietary and competitively sensitive. The substantial and direct harm that could be caused to NGE as a result of any disclosure is irreparable, real, and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required NGE to make this information available to the public. For all of these reasons, the information provided regarding the Customer Accounts to be transferred should be protected from public disclosure by a Protective Order of the Commission.

WHEREFORE, NGE respectfully requests that the Commission grant this Motion for Protective Order with respect to the proprietary and commercially-sensitive information included in its Application and the attachments thereto for the reasons set forth herein.

Respectfully submitted,

NATIONAL GAS & ELECTRIC, LLC

By: 

Name: Gary Lancaster

Title: Executive Vice President &
General Counsel

STATE OF TEXAS)
)
COUNTY OF HARRIS) ss: HOUSTON

VERIFICATION

Paul Konikowski, being first duly sworn upon oath, deposes and states as follows:

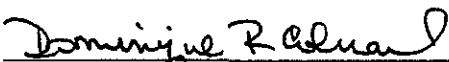
1. I am a Vice President of National Gas & Electric, LLC ("NGE").
2. I have read and understand the foregoing Application of National Gas & Electric, LLC for Entry of a Motion for Protective Order relative to our assignment of electric and natural gas customers to Verde Energy USA Ohio, LLC, together with the Exhibits attached thereto which contain NGE's sensitive confidential and proprietary information including NGE's gross revenues and customer counts for each commodity supplied by NGE to its Ohio customers.
3. The Motion for Protective Order is being filed to seek confidential treatment for certain confidential and proprietary information contained in the Assignment of Transfer of Customer Contracts and Exhibits attached thereto filed concurrently with this Motion for Entry of a Protective Order on March 13, 2018.
4. National Gas & Electric, LLC is filing a redacted version of the Application as well as a Motion for Entry of a Protective Order regarding the unredacted version of the Application.

I hereby certify that, to the best of my knowledge, the foregoing is true and accurate.



Paul Konikowski, Vice President

Subscribed and sworn to me before me this 13th day of March, 2018.



Notary Public in and for the State of Texas

Dominique R. Colvard
Notary's Printed Name

