

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Annual Alternative Energy)
Portfolio Status Report of Nordic Energy)
Services, LLC.)
In the Matter of the Report of Nordic Energy)
Services, LLC, Concerning its Plan for)
Compliance with Advanced and Renewable Energy.)

Case No. 18-652 -EL-ACP

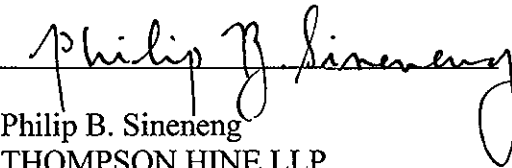
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MOTION OF NORDIC ENERGY SERVICES, LLC FOR PROTECTIVE ORDER

Now comes Nordic Energy Services, LLC ("Nordic"), by its attorneys, Thompson Hine LLP, through Philip B. Sineneng, pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, and moves for a protective order keeping its Ten Year Forecast provided in the above-referenced reports confidential and not part of the public record. The reasons underlying this motion are detailed in the attached Memorandum in Support. A redacted copy of this confidential information has been filed concurrently in the public docket. An unredacted copy of the information is submitted under seal.

Respectfully submitted,

NORDIC ENERGY SERVICES, LLC



Philip B. Sineneng
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, Ohio 43215-
Phone: (614) 469-3200
Fax: (614) 469-3361
Philip.Sineneng@ThompsonHine.com

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MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

Now comes Nordic Energy Services, LLC (“Nordic”), by its attorneys, Thompson Hine LLP, through Philip B. Sineneng, and requests that its Ten Year Forecast provided in the above-referenced reports, designated as confidential and/or proprietary in the accompanying filing, be protected from public disclosure.

Nordic’s Ten Year Forecast is, in Nordic’s opinion, highly sensitive, confidential, trade secret, and proprietary information. It is appropriate to protect such information from disclosure. Knowledge of projected sales and projected RECs can be used to determine Nordic’s business plan, projections and future marketing strategies. Nordic does not disclose this information to any person or entity in the public domain.

Section 4901-1-24(D) of the Commission’s rules provides that the Commission or certain designated individuals 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 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.” As set forth herein, state law prohibits the release of the information which is the subject of this motion. Moreover, the non-disclosure of the information will not impair the purposes of Title 49. The

Ohio Supreme Court has clarified that the “state or federal law” exemption of Section 4901-1-24(D) is intended to cover trade secrets. State ex rel. Besser v. Ohio State, 89 Ohio St.3d 396, 399 (2000). The Commission and its staff have full access to the information provided by Nordic necessary to monitor Nordic’s compliance with applicable rules; thus no purposes of Title 49 would be served by the public disclosure of the information.

Ohio law defines a 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” and “(2) [i]t is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” Ohio Revised Code, Section 1333.61(D). The Ohio Supreme Court has adopted the following six factors to be used in analyzing a claim that information is a trade secret under that section: (1) the extent the information is known outside the business; (2) the extent the information is known to those inside the business (i.e., by employees); (3) the precautions taken by the holder of the trade secrets to guard their secrecy; (4) the savings effected and value to the holder of the trade secrets in having the information protected 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, 524-525 (1997). The information provided here is considered a trade secret by Nordic. The information is generally not shared outside of the company, except with the Ohio Public Utilities Commission; and internally, only Nordic’s managerial and executive staff and employees are aware of the information. Nordic takes great precaution to protect its trade secrets, the trade secrets are of great value to Nordic, and sharing

them would affect Nordic's competitiveness in the market. The need to protect the designated information from public disclosure is clear, and there is compelling legal authority supporting the requested protective order. While the Commission has often expressed its preferences for open proceedings, the Commission also long ago recognized its statutory obligations with regard to trade secrets:

The Commission is of the opinion that the "public records" statute must also be read in pari materia with Section 1333.13, Revised Code ("trade secrets" statute). The latter statute must be interpreted as evincing the recognition, on the part of the General Assembly, of the value of trade secret information.

In re General Telephone Co., Case No. 81-383-TP-AIR (Entry, February 17, 1982). Likewise, the Commission has facilitated the protection of trade secrets in its rules (O.A.C. § 4901-1-24(A)(7)).

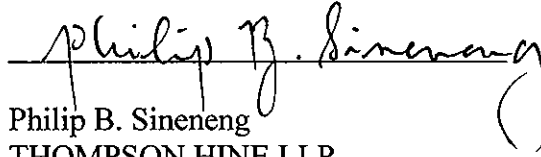
The information is privileged and confidential commercial information, the disclosure of which to competitors or potential competitors would cause competitive harm to Nordic. Included in the information is projected sales data that could be used to derive confidential trade information and market sensitive information regarding Nordic's intended provision of services to customers in Ohio. This information is not publicly available, and it is not information Nordic would willingly share with its competitors. No public interest would be served by the disclosure of the confidential information submitted by Nordic.

Nordic's Ten Year Forecast should be protected from disclosure. That information is precisely the type of information which companies go to great length to keep private. Knowledge by a competitor would do great harm to Nordic in the marketplace.

For the foregoing reasons, Nordic requests that the designated information be protected from public disclosure and kept under seal.

Respectfully submitted,

NORDIC ENERGY SERVICES, LLC

A handwritten signature in cursive script, reading "Philip B. Sineneng", is written over a horizontal line.

Philip B. Sineneng
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, Ohio 43215-
Phone: (614) 469-3200
Fax: (614) 469-3361
Philip.Sineneng@ThompsonHine.com

REDACTED

**COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER
ALTERNATIVE ENERGY RESOURCES REPORT FOR CALENDAR YEAR 2015**

Nordic Energy Services, LLC (hereinafter the "ORES") in accordance with Sections 4928.64 and 4928.65, Revised Code and Commission Rules 4901:1-40-03 and 4901:1-40-05 hereby submits this Annual Alternative Energy Report ("AER") detailing compliance with the Ohio Alternative Energy Portfolio Standards.

1. Determination that an Alternative Energy Resource Report is required.

During calendar year 2017, the CRES states that it conducted retail sales of generation to Customers who utilized the generation in a load center located within the state of Ohio.

2. Determination of the sales baseline for 2017.

Actual metered load served in 2014, 2015 and 2016 will be used for the determination of the baseline sales.

REDACTED MWh

3. Determination of the number of Solar and Total Renewable Energy Credits (RECs) required and statement of the number of RECs claimed.

Types	(a) No. of RECs Required	(b) No. of RECs Obtained	(c) Registry
Solar	REDACTED	REDACTED	PJM-GATS
Non Solar	REDACTED	REDACTED	PJM-GATS
Total	REDACTED	REDACTED	PJM-GATS

(a) Column (a) above represents the unadjusted number of Solar and Total RECs required for the CRES in 2016. The determinations were calculated by multiplying the baseline sales by 0.15% for Solar RECs and 3.35% for Total RECs. Total RECs include both Solar and Non Solar RECs.

(b) The CRES states that it has obtained the number of Solar and Non Solar RECs listed in column (b) above for 2017.

(c) The CRES used PJM GATS registry for the RECs detailed above.

4. Compliance.

The CRES states that it has obtained the required number of Solar and Total RECs without adjustments permitted pursuant to Rule 4901:1 -40-05(A)(3).

5. Ten Year Forecast

(a) In accordance with Rule 4901:1-40-03(c), the CRES hereby provides a projection for the next ten (10) years of Solar and Non Solar RECs.

REDACTED

The CRES began serving customers during 2013 and continues to grow and establish new customer contracts in Ohio. Because the CRES is not a utility with a stable customer base, it is very difficult to accurately project load in the next ten (10) years. Accordingly, since we do not have any contracts beyond 2020, we assumed our load would remain the same and the REC obligation was calculated based on this load.

Ten Year Forecast

a. Ten Year Forecast of Solar and Non-Solar RECs

In accordance with Rule 4601:1-40-03© the CRES hereby provides a projection for the next 10 years for RECs ad Solar RECs

	Solar		Non Solar			
2018	REDACTED	0.18%	REDACTED	0.45%	REDACTED	REDACTED
2019	REDACTED	0.22%	REDACTED	0.55%	REDACTED	REDACTED
2020	REDACTED	0.26%	REDACTED	0.65%	REDACTED	REDACTED
2021	REDACTED	0.30%	REDACTED	0.75%	REDACTED	REDACTED
2022	REDACTED	0.34%	REDACTED	0.85%	REDACTED	REDACTED
2023	REDACTED	0.38%	REDACTED	0.95%	REDACTED	REDACTED
2024	REDACTED	0.42%	REDACTED	10.50%	REDACTED	REDACTED
2025	REDACTED	0.46%	REDACTED	11.50%	REDACTED	REDACTED
2026	REDACTED	0.50%	REDACTED	12.50%	REDACTED	REDACTED
2027	REDACTED	0.50%	REDACTED	12.50%	REDACTED	REDACTED
2028	REDACTED	0.50%	REDACTED	12.50%	REDACTED	REDACTED

b. Supply Portfolio projection

Nordic currently plans to obtain required RECs via bilateral purchases and PPA agreements.

REDACTED

c. Methodology used to evaluate compliance

The projections are based on load currently under contract. We then applied the solar and non-solar RECs required each year. Since Nordic does not have any load under contract beyond REDACTED, we assumed our load would remain the same and the REC obligation was calculated based on this load.

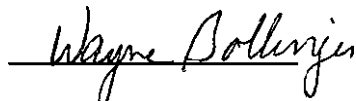
d. Comments on any perceived impediment(s) to achieving compliance with the solar and non-solar REC requirements, as well as any discussion addressing such impediments.

Supply and pricing constraints are the only impediments the CRES foresees in meeting REC requirements.

6. Conclusion

Based on the foregoing, the CRES respectfully requests that the Commission find that the CRES has complied with renewable energy benchmarks for 2017.

I, James Deering, certify that I am the President and CEO of Nordic Energy Services, LLC and state to the best of my knowledge and ability, all the information contained in the foregoing Competitive Retail Electric Service Provider Alternative Energy Resource Report for Calendar Year 2015 are true, accurate and complete.



Wayne Bollinger
Nordic Energy Services, LLC

**Compliance Plan Status Report for Compliance Year 2017
Summary Sheet**

	Sales Unadjusted (MWhs)	Proposed Adjustments (MWhs)	Sales Adjusted (MWhs)	Source of Sales Volume Data	
2014	REDACTED	0	REDACTED		(A)
2015	REDACTED	0	REDACTED		(B)
2016	REDACTED	0	REDACTED		(C)
Baseline for 2017 Compliance Obligation (MWhs)			Baseline Entry Needed	(D) = AvgABC	
(Note: If using 2017 sales as your baseline, insert that figure in cell I14 and indicate in cell K16 if 2017 sales are adjusted or not.				i.e., Not Adjusted	
3.50%	2017 Statutory Compliance Obligation				
	2017 Non-Solar Renewable Benchmark		3.35%		(E)
	2017 Solar Renewable Benchmark		0.15%		(F)
	Per ORC, 4928.64(B)(2)				
	2017 Compliance Obligation				
	Non-Solar RECs Needed for Compliance		REDACTED		(G) = (D) * (E)
	Solar RECs Needed for Compliance		REDACTED		(H) = (D) * (F)
	Carry-Over from Previous Year(s), if applicable				
	Non-Solar (RECs)		REDACTED		(I)
	Solar (S-RECs)		REDACTED		(J)
	Total 2017 Compliance Obligations				
	Non-Solar RECs Needed for Compliance		REDACTED		(K) = (G) + (I)
	Solar RECs Needed for Compliance		REDACTED		(L) = (H) + (J)
	2017 Retirements (Per GATS and/or MRETS Data)				
	Non-Solar (RECs)		REDACTED		(M)
	Solar (S-RECs)		REDACTED		(N)
	Under Compliance in 2017, if applicable				
	Non-Solar (RECs)		REDACTED		(O) = (K) - (M)
	Solar (S-RECs)		REDACTED		(P) = (L) - (N)
	2017 Alternative Compliance Payments				
	Non-Solar, per REC (Refer to Case 17-0531-EL-ACP)		REDACTED		(Q)
	Solar, per S-REC - per 4928.64(C)(2)(a)		REDACTED		(R)
	2017 Payments, if applicable				
	Non-Solar Total		REDACTED		(S) = (O) * (Q)
	Solar Total		REDACTED		(T) = (P) * (R)
	TOTAL		REDACTED		(U) = (S) + (T)

For details on determining your compliance baseline, please refer to 4928.643, Ohio Revised Code (ORC), and 4901:1-40-03 of the Ohio Administrative Code (OAC).

Questions may also be posed to Staff at the following email address:

AEPS@puco.ohio.gov

This compliance worksheet was developed by Staff for internal review purposes. However, it may be useful for your company in preparation of its RPS annual compliance status report for the 2017 compliance year. Your company is not required to include this form in its filing, but that is an option. If using this form, your company should insert data in the blue shaded boxes (as applicable). The remaining cells should auto-calculate. However, you should still independently verify the accuracy of the calculations. Questions concerning this worksheet can be addressed to Stuart.Siegfried@puco.ohio.gov