

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Interstate)	
Gas Supply, Inc. d/b/a IGS Energy v. Santanna)	Case No: 19-362-GE-CSS
Natural Gas Corporation d/b/a Santanna)	
Energy Services.)	

**UNOPPOSED MOTION FOR WAIVER TO EXCHANGE NATURAL GAS CUSTOMER
INFORMATION PURSUANT TO OHIO ADM. CODE 4901:1-29-09(A)(1)**

Interstate Gas Supply, Inc., d/b/a IGS Energy (“IGS”), respectfully requests, pursuant to Ohio Admin. Code 4901:1-29-02(C) that the Public Utilities Commission of Ohio (“the Commission”) grant the parties to the above-captioned proceeding a waiver of certain requirements set forth in Ohio Admin. Code 4901:1-29-09(A)(1) related to the disclosure of natural gas customer names, addresses, and telephone numbers. IGS requests this waiver so that the parties may engage in the open exchange of all information necessary to resolve the above-captioned proceeding in an efficient and timely manner. Respondent, Santanna Natural Gas Corporation, indicated that it does not oppose this motion. The reasons underlying this motion are detailed in the attached Memorandum in Support.

Respectfully submitted,

/s/ Michael Nugent

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MEMORANDUM IN SUPPORT

On February 1, 2019, IGS filed a complaint against Santanna Natural Gas Corporation (“Santanna”) alleging that Santanna violated Ohio law, in part, by contacting IGS’ natural gas customers and engaging in misleading and deceptive sales and marketing practices. Since that time, IGS served Santanna with its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents as a framework for reaching a resolution in this proceeding. Recognizing that the Commission’s rules may prohibit the disclosure of natural gas customer information in certain circumstances, IGS filed its Motion to facilitate the free and open exchange of information necessary to resolve the Complaint it filed in the above-captioned proceeding.

Specifically, Ohio Admin. Code 4901-1-29-09(A)(1) prohibits the disclosure and use of *any* natural gas customer information except as provided in the rule. Rule 4901-1-29-09(A)(1), OAC, states in part (emphasis added):

A retail natural gas supplier or governmental aggregator (and/or its agent) ***shall [n]ot disclose or use a customer’s account number or any customer information for any purpose other than for operation, maintenance, assignment, and transfer of a customer’s account, or for performing collection and credit reporting activities*** and not disclose or use a customer’s social security number for any purpose other than [sic] to perform a credit check, without the customer’s express written or electronic authorization on a release form ***or pursuant to a court or commission order.***

The Rule clearly recognizes the need to provide protective treatment to natural gas customer information, but by carving out an exception that authorizes the sharing of that information subject to a Commission order, Ohio Admin. 4901:1-29-09(A)(1) also contemplates that disclosure between entities may be necessary and permissible in certain circumstances. In this case, a waiver of rule 4901:1-29-09(A)(1) is necessary to facilitate the open exchange of natural gas customer names, addresses, and telephone numbers through discovery so that the parties can determine (1) the IGS customers that were enrolled with Santanna and (2) whether such enrollments were proper. The natural gas customer information disclosed shall be limited to those customers that were solicited or enrolled with, or by, Santanna and its agents either telephonically or through direct solicitation from the period of October 15, 2017 through April 30, 2018. Any account numbers associated with the customers identified during that period will be redacted or withheld from disclosure. This information is critical to assist the parties in resolving this proceeding.

Moreover, any customer information that the parties might disclose shall be subject to the rules on discovery, and would be strictly protected and disclosed pursuant to a protective agreement. The protective agreement is consistent with the intended purpose of rule 4901:1-29-09(A)(1), which is not to allow the disclosure or use of customer information in such a way that would enable the sale of customer account information, slamming, etc. The natural gas customer information exchanged between the parties will be held in confidence in the normal course of business and will be made available only to those personnel that are actively involved in this proceeding.

Indeed, the Commission has previously granted waiver of its rules for good cause shown.¹ The reasons set forth above demonstrate that the disclosure of natural gas customer information is necessary for the parties to advance a resolution in this proceeding. Any disclosure of that information between the parties will be subject to a protective agreement, limited in its scope, and well within the spirit of 4901:1-29-09(A)(1). Thus, IGS respectfully requests the Commission grant an order authorizing a waiver of the requirements set forth in Ohio Admin. Code 4901:1-29-09(A)(1) related to the disclosure of natural gas customer names, addresses, and telephone numbers.

Respectfully submitted,

/s/ Michael Nugent

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¹ See *In the Matter of the Complaint of Interstate Gas Supply, Inc. d/b/a IGS Energy v. Titan Gas LLC d/b/a Titan Gas & Power*, Case No. 17-2452-GE-CSS, Entry (July 25, 2018).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Waiver to Exchange Natural Gas Customer Information Pursuant to Ohio Admin. Code 4901:1-29-09(A)(1)* was served upon the following parties of record via electronic transmission this 22nd day of March 2019.

/s/ **Michael Nugent**

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Summary: Motion for Waiver to Exchange Natural Gas Customer Information electronically filed by Mr. Michael A Nugent on behalf of Interstate Gas Supply, Inc.