

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of
Energy Advisors LLC for Certification as
a Natural Gas Broker / Aggregator.

Case No. 20-0087-GA-AGG

MOTION FOR PROTECTIVE ORDER OF ENERGY ADVISORS LLC

Pursuant to Rule 4901-1-24(D), Ohio Administrative Code ("OAC"), Energy Advisors LLC hereby moves for a protective order to preserve the confidentiality of certain sensitive information contained in exhibits C-3 and C-7 of its application filed in the above-captioned proceeding. The basis for this motion is set forth in the accompanying memorandum in support. As required by Rule 4901-1-24(D)(2), OAC, three unredacted copies of Exhibit C-3 and C-7 for which protection is sought have been filed under seal.

WHEREFORE, Energy Advisors LLC respectfully requests that its motion be granted.

Respectfully submitted,
/s/ John Deeds

Energy Advisors LLC
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MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER OF ENERGY ADVISORS LLC

By its application filed this date in the above-captioned matter, Energy Advisors LLC seeks authority to provide natural gas brokering and aggregation services to customers in this state. Rule 4901:1 -24-04(A), Ohio Administrative Code ("OAC"), requires that applications for certification to provide such services be made on forms supplied by the Commission. The application form for the authority requested in this case requires the applicant to provide, as Exhibit C-3 to the application, copies of the applicant's tax returns for the most recent two years, and, as Exhibit C-7 to the application, a credit report of the applicant's owner. In accordance with Rule 4901:1 -24-04(A), OAC, Energy Advisors LLC has submitted its application on the form supplied by the Commission and has attached thereto all required exhibits. However, because Exhibit C-3 and Exhibit C-7 constitute confidential, Energy Advisors LLC has not included copies of those exhibits with the application filed in the public docket, and, by the foregoing motion, seeks a protective order from this Commission to prevent public disclosure of the information in question. In accordance with Rule 4901-1-24(D)(2), OAC, Energy Advisors LLC has mailed three copies of the confidential unredacted versions of Exhibit C-3 and Exhibit C-7 under seal. Rule 4901-1-24(D), OAC, provides, in pertinent part, as follows:

(D) Upon motion of any party or person filing a document with the commission's docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or the attorney examiner assigned to the case may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purpose of Title 49 of the Revised Code. Any order issued under this paragraph shall minimize the amount of information protected from public disclosure.

Energy Advisors LLC submits that its motion for protection is consistent with the criteria governing the issuance of protective orders set forth in the above rule, in that state law prohibits release of the information for which protection is sought and because non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

Rule 4901-1-24(D)(1), OAC, provides that the public version of documents containing information for which protection is requested "should be filed with only such information redacted as is essential to prevent disclosure of the allegedly confidential information." However, in this instance, this requirement would entail submitting what would essentially be a blank document, which would be a meaningless exercise. Thus, Energy Advisors LLC has redacted Exhibit C-3 and Exhibit C-7 in their entirety, and seeks protection for the entire documents as a whole. Because the Commission and its staff will have full access to the information for which protection is requested, the Commission's ability to review this information will in no way be impaired by granting this motion, and no legitimate purpose would be served by public disclosure of the designated information.

WHEREFORE, Energy Advisors LLC respectfully requests that Exhibit C-3 and Exhibit C-7 of its application in this case be granted protected status and that the Commission grant the foregoing motion.

Respectfully submitted,
/s/ John Deeds

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Summary: Motion Motion for Protective Order electronically filed by Mr. John Deeds on behalf of Energy Advisors LLC