

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Peoples Energy Services Corporation :
:
Petition for Relief to Protect PE Services' :
Annual Kilowatt-Hour Report from : **06-0165**
disclosure for not less than five years in :
order to protect highly confidential and :
proprietary information. :

ORDER

By the Commission:

On February 28, 2006, Peoples Energy Services Corporation ("Petitioner" or "PE Services") filed a verified Petition with the Illinois Commerce Commission ("Commission") requesting the Commission enter an Order protecting its Annual Kilowatt-Hour Report from disclosure, pursuant to 83 Ill. Admin. Code 200.430. The Annual Kilowatt-Hour Report was filed with the Commission on February 27, 2006, pursuant to Part 451 of the Commission's Rules.

The Petition states that Petitioner is certified as an alternative retail electric supplier ("ARES"). The Commission originally granted PE Services a certificate of service to provide services as an ARES in the service territories of Commonwealth Edison Company and Illinois Power Company on September 14, 1999. According to Petitioner, the Annual Kilowatt-Hour Report contains confidential trade information and market sensitive information regarding PE Services' provision of service to non-residential customers in Illinois. PE Services considers this information highly proprietary and confidential, the disclosure of which to competitors, or potential competitors, would be detrimental to PE Services. Further, the Petition states the retail electric service industry is highly competitive and it is essential that public disclosure of the proprietary and confidential information contained in the Annual Kilowatt-Hour Report be avoided for a period of at least five years because of the competitive harm which disclosure of such information would likely cause PE Services.

Section 451.60 of the Commission's Rules states that:

If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential,

proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430.

Since all the facts necessary for the Commission to grant the relief requested are contained in the Petition, no hearing is necessary and it is waived.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Petitioner is an alternative retail electric supplier within the meaning of Section 16-115 of the Public Utilities Act ("Act");
- (2) the Commission has jurisdiction over Petitioner and subject matter herein;
- (3) the recitals of fact set forth in the prefatory portion of the Order are supported by the record and are hereby adopted as findings of fact;
- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;

- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

- (6) the verified Petition states that Petitioner's Annual Kilowatt-Hour Report falls within the exemption stated in Finding (5);
- (7) Petitioner's Annual Kilowatt-Hour Report should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information act and Section 5-109 of the Public Utilities Act for a period of five (5) years from the date of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Annual Kilowatt-Hour Report filed by Peoples Energy Services Corporation is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of five (5) years from the date of this Order.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over Peoples Energy Services Corporation and the subject matter hereof for the purpose of issuing such further orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill.Adm.Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 3rd day of May, 2006.

(SIGNED) CHARLES E. BOX

Chairman