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ILLINOIS COMMERCE COMMISSION
January 13, 2010

CHIEF CLERK'S OFFICE

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VIA FEDEX

Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

10-038

Re: APPLICATION OF ENERGY MANAGEMENT RESOURCES OF MISSOURI, INC. FOR A CERTIFICATE OF SERVICE AUTHORITY TO BE AN ALTERNATIVE RETAIL ELECTRIC SUPPLIER UNDER SECTION 16-115 OF THE ILLINOIS PUBLIC UTILITIES ACT - *Motion For Confidential Treatment of Certain Application Information*

Docket No. _____

Dear Sir or Madam:

Contemporaneous with the filing of this Motion for Confidential Treatment (the "Motion"), Energy Management Resources of Missouri, Inc. ("Applicant") is filing with the Illinois Commerce Commission (the "Commission") its application (the "Application") for a certificate of service authority to be an alternative retail electric supplier under Section 16-115 of the Illinois Public Utilities Act (the "Act"). By and through its attorneys, Briggs and Morgan, P.A., and pursuant to Section 4-404 of the Act and Section 451.60 of 83 Ill. Adm. Code Part 451 (the "Code"), Applicant respectfully requests that the Commission grant proprietary and confidential treatment to Attachments A, B and C affixed to its Application (the "Confidential Information"). In support of the Motion, Applicant states as follows:

1. Applicant is seeking a certificate of service authority to be an alternative retail electric supplier under Section 16-115 of the Act. Certain aspects of the Application require Applicant to disclose the Confidential Information to the Commission.

2. With this Motion, Applicant is seeking confidential treatment of the Confidential Information in accordance with Section 4-404 of the Act. Section 4-404 provides that the Commission "shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity" Applicant has provided the Commission with a confidential version of the Application under separate seal and

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marked "confidential" and a public version of the Application with the Confidential Information redacted.

3. The Confidential Information is highly proprietary, sensitive and confidential information relating to Applicant's corporate hierarchy, personnel and their respective qualifications and experience. The Confidential Information is not generally known and its disclosure would be detrimental to the Applicant and its affiliates and subsidiaries. In particular, disclosure of the Confidential Information would give competitors and potential competitors an undue competitive advantage.

4. Section 200.430 of the Code authorizes the Commission and its Hearing Examiners to enter orders "to protect confidential, proprietary or trade secret nature of any data, information or studies." 83 Ill. Admin. Code Section 200.430. Moreover, Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7(g), exempts from public disclosure "[t]rade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm." The Confidential Information falls within this exemption.

5. Applicant seeks an Order from the Commission, without hearing, pursuant to the applicable provisions of the Act and the Code, protecting the Confidential Information from disclosure for a period of not less than five (5) years.

Dated: January 13, 2010

Respectfully Submitted,

By: 

Joseph D. Roach
One of Applicant's Attorneys

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