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ILLINOIS <sup>STATE</sup>  
COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

**Direct Energy Services, LLC.** )  
)  
**Petition for Emergency Relief To Protect Portions Of** )  
**Direct's Report of Continued Compliance As An** )  
**Alternative Gas Supplier.** )

**Docket No. 10-0078**

**PETITION**

NOW COMES Direct Energy Services, LLC. ("Direct"), and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect from disclosure for not less than five (5) years highly confidential and proprietary information included in its report of continuing compliance (the "Compliance Report") with its certification as an Alternative Gas Supplier ("AGS"). In support of the instant Petition, Direct states as follows:

1. Direct is certified by the Commission as an AGS. The Commission originally granted Direct a certificate of service authority to provide service as an AGS in the State of Illinois, on March 11, 2005 in ICC Docket No. 05-0086.
2. On January 29, 2010 Direct submitted a confidential and a public version of its Compliance Report to the Commission.
3. Direct's Compliance Report includes information and attachments regarding: (1) confidential Payment Bond information included in **Attachment A** to the Compliance Report; and, (2) confidential and proprietary information regarding estimates of the maximum monthly number of Mcf for residential and small commercial customers served by Direct. The financial documents and Mcf estimates demonstrate Direct's continuing compliance with the financial requirements of 83 Ill. Adm. Code Sections 551.80(e)(2) and 551.140. The

deca-therm report demonstrates Direct's continuing compliance with the requirement of 83 Ill. Adm. Code 551.170. Direct considers this information to be highly confidential and proprietary information, the disclosure of which to competitors, or potential competitors, would be detrimental to Direct.

4. The retail gas service industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the Compliance Report be avoided for a period of at least five (5) years because of the competitive harm which disclosure of such information likely would cause Direct.
5. 83 Ill. Adm. Code Section 551.60 provides that: "If an applicant or AGS believes any of the information to be disclosed by an applicant or AGS is privileged or confidential, the applicant or AGS 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."
6. Section 7(g) of the Illinois Freedom of Information Act exempts from public disclosure "trade secrets and commercial or financial information . . . where the trade secrets or information are proprietary, privileged or confidential." (5 ILCS 140/7(g).) The financial and trade information contained in Direct's Compliance Report falls within this exemption.
7. Direct seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than five (5) years from the date of this Order, the following documents:

- (1) The confidential version of Direct's Compliance Report;

- (2) The confidential Payment Bond information included in **Attachment A**;  
and
- (3) The confidential and proprietary information regarding estimates of the maximum monthly number of Mcf for residential and small commercial customers served by Direct.

WHEREFORE, Direct Energy Services, LLC respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than five (5) years, the above-referenced attachments and documents that were submitted pursuant to Part 551 to the Chief Clerk of the Commission, on January 29, 2010 as part of Direct's Compliance Report.

Respectfully submitted,

**DIRECT ENERGY SERVICES, LLC**

By:  \_\_\_\_\_

Cory Byzewski  
12 Greenway Plaza  
Suite 600  
Houston, TX 77046

Verification

STATE OF TEXAS            )  
COUNTY OF HARRIS        )

ss:

Cory Byzewski, being first duly sworn, deposes and says that he represents Direct Energy Services, LLC; that he has read the foregoing Petition and that the statements contained in the Petition are true, correct, and complete to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
Cory Byzewski

Subscribed and sworn to before me  
this 28 day of January 2010.

  
\_\_\_\_\_  
Notary Public

