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2010 MAR 24 A 11:00

Energy Management Resources :  
of Missouri, Inc. :  
: Docket No. 10-0038  
Application for Licensure of :  
Agents, Brokers and Consultants :  
under Section 16-115C of the :  
Public Utilities Act. :

CHIEF CLERK'S OFFICE

RESPONSE

Pursuant to the Notice of Administrative Law Judge's Ruling, dated March 16, 2010, Energy Management Resources of Missouri, Inc. ("EMR") states as follows:

1. Reasoning for Requesting Privileged and Confidential Treatment of Information.

(a) *EMR's Business Interest.* As a small, privately owned consulting firm, the success of EMR's business is acutely tied to its people and their respective competencies, experiences and expertise. The competencies, experiences and expertise of its people are not presently disseminated in a general manner in the public domain. This is because EMR has taken steps to protect dissemination of this information in its dealings with current and prospective clientele in other jurisdictions. In addition, it has obtained confidential treatment of this or similarly sensitive information in other jurisdictions with licensure requirements similar to that required under Section 16-115C of the Illinois Public Utilities Act where EMR has sought to be licensed as an agent, broker or consultant. Requiring disclosure of this information in EMR's Application for Licensure of Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act would publicly disseminate for the first time information which EMR believes to be confidential and highly critical to the success of its business. This would give headhunters, marketing firms and competitors easy access to information that would enable them to identify and target EMR personnel and undercut EMR's business. It could also be used to the detriment of EMR in negotiating future employment matters with these or other employees. Based upon the foregoing, EMR believes that the information for which it has sought confidential treatment qualifies as a "trade secret" under the Illinois Trade Secrets Act and should be protected by order of the Illinois Commerce Commission. EMR has previously taken reasonable steps to protect the secrecy of this information from broad dissemination and respectfully requests that the Illinois Commerce Commission extend confidential treatment to the foregoing information as originally requested in its Motion For Confidential Treatment of Certain Application Information.

(b) *Employees' Right to Privacy.* The information which is the subject of the Motion For Confidential Treatment of Certain Application Information specifically refers to the names of individuals and other information which makes certain employees individually

identifiable. This information, while required by the Illinois Commerce Commission in making its licensure decision, is of the type that should not be subject to public disclosure. These employees are not public employees and have a reasonable expectation of privacy regarding the details of their past employment history and their current relationship with EMR.

2. Effect of Failure to Treat Information as Confidential. EMR's competitive advantage is its highly trained, experienced and skilled personnel. To broadly disseminate the scope of this training, experience and skill in the public domain would give competitors, and those working on their behalf, access to personnel details concerning those employees which are not presently available to them. With limited effort, EMR's competitors would possess biographical data that would enable them to easily and inexpensively target, and possibly raid, employees from EMR. Furthermore, access to personnel biographical data, including employees' past experiences, gives competitors insight into the scope of and manner and methods by which EMR conducts its business. Disseminating this confidential information in the public domain undermines the competitive advantage that EMR believes its people represent and unnecessarily benefits EMR's competitor's.

3. Duration of Confidential Treatment. As described in the foregoing paragraphs, EMR's competitive advantage is its highly trained, experienced and skilled personnel. The extent of this training, experience and skill is not generally known to persons who can obtain economic value from its disclosure and use. At such time as the information becomes publicly available, this information will have economic value to EMR's competitors and will disadvantage EMR. By granting protective treatment to the information for five (5) years, EMR is able to compete utilizing the competitive advantage that has made it successful in other jurisdictions without competitors having easy and inexpensive access to the personnel that give EMR that advantage. Two (2) years of protective treatment, if granted, would allow EMR's competitors access to information that comprises EMR's competitive advantage without a sufficient period of time for EMR to establish its business and presence in the state of Illinois. The information would become available to EMR's competitors at just such a time as EMR could expect to have established itself in Illinois and could degrade EMR's business in Illinois before it has had a chance to mature. This result would cause competitive harm to EMR.

Respectfully Submitted,

**Energy Management Resources  
of Missouri, Inc.**

By:   
Thomas Maus, Sr. Vice President

**Attorneys for EMR:**

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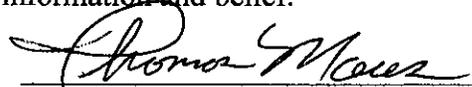
Attention: Joseph D. Roach (IL Atty # 6274409) and Douglas G. Ujdur

VERIFICATION

STATE OF Minnesota)

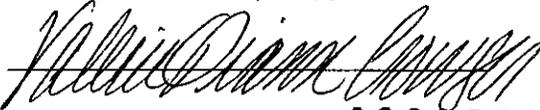
COUNTY OF Carlton)

Thomas Maus, being first duly sworn, deposes and says that he is the Senior Vice President of Energy Management Resources of Missouri, Inc. ("EMR"); that he has reviewed the statements of EMR required pursuant to that Notice of Administrative Law Judge's Ruling, dated March 16, 2010 (the "Response"); and that the statements contained in the Response are true, correct and complete to the best of his knowledge, information and belief.

  
Thomas Maus

Subscribed and sworn to before me

this 23<sup>rd</sup> day of March 2010.



Notary Public

[Stamp of Notary]

