

OFFICIAL FILE



ILLINOIS COMMERCE COMMISSION

Helping Clients Pay Less for Energy

ORIGINAL

Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 EW Capitol Ave
Springfield, IL 62701

June 3, 2010

Response
10-0321

RE: Lower Electric, LLC – Petition for Confidential Treatment of Lower Electric, LLC’s Annual Financial Reporting Requirement

Dear Ms. Rolando,

We are writing to respectfully request confidential treatment of our annual financial statements.

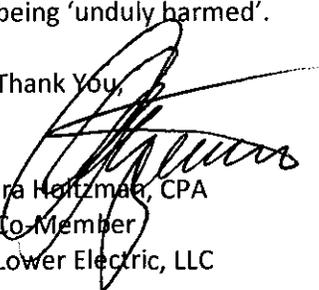
We feel that, as a privately held company, we would be unduly harmed from a competitive standpoint if our financial information is available in its entirety to our competitors. In our opinion, as a privately held company, there is no reason or purpose for our competitors to be aware of our financial condition. It serves no purpose at all from a competitive point of view. The whole purpose of these rules and requirements is to foster competition. The ICC, as the body of Government overseeing compliance, has access to our financial statements; yet the purpose of allowing our competitors to have this information eludes us.

These rules were outlined and pushed forward by a competitor, for their purpose, and for their purpose only; and, as such, should not be strictly enforced. We feel that competitors, such as the competitor who pushed for the ABC Law would try to use this financial information to harm and undermine our company. In fact, this competitor is exempt from these regulations. Due to the differing regulations, some companies are exempt from filing their financial statements that would be placed in the public domain, while ABCs are required to do so. The playing field is not level. ABC’s cannot have access to the financial statements of all of its competitors, due to the differing regulations, while those same competitors have open access to all ABCs’ financial statements.

We have been in business for about eight (8) years and in that time, have acted truly in a competitive way. We would not like to see competitors such as our company, harmed by the requirements of disclosure of financial information which serves no purpose other than to thwart competition.

As far as an explanation of five (5) year confidential treatment versus two (2) year confidential treatment, we feel that the two (2) years of confidentiality is not enough protection for Lower Electric, LLC to avoid being ‘unduly harmed’.

Thank You,


Ira Hertzman, CPA
Co-Member
Lower Electric, LLC

CHIEF CLERK'S OFFICE

2010 JUN - 7 10:14

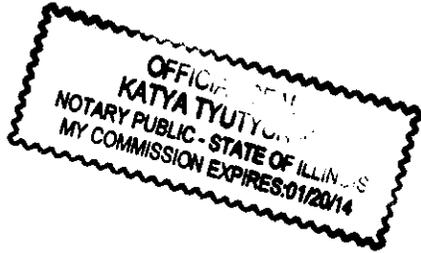
ILLINOIS COMMERCE COMMISSION
STATION

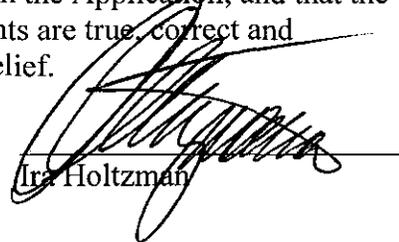
VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK)

ss: Lower Electric LLC

Ira Holtzman, being first duly sworn, deposes and says he is a co-managing Member of Lower Electric, LLC he has read the foregoing Application of Lower Electric, LLC, and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of his knowledge, information and belief.




Ira Holtzman

Subscribed and sworn before me
This 3rd day of June 2010


Notary Public

{Stamp of Notary}



ILLINOIS COMMERCE COMMISSION

May 27, 2010

Lower Electric, LLC	:	
	:	10-0321
Petition for Confidential Treatment of Lower Electric, LLC's Annual Financial Reporting Requirement.	:	SERVED ELECTRONICALLY

Ira Holtzman
 Co-Managing Member
 Lower Electric, LLC
 1307 Shermer Rd.
 Northbrook, IL 60062
 ira@lowerelectric.com

Steven Schwartz
 Lower Electric, LLC
 MS Registered Agent Services
 Much Shelist Law Firm
 191 N. Wacker Dr., 18th Fl.
 Chicago, IL 60606
 sschwartz@muchshelist.com

NOTICE OF ADMINISTRATIVE LAW JUDGE'S RULING

Dear Sir/Madam:

Notice is hereby given by the Administrative Law Judge that Lower Electric, LLC ("LE") shall file in this docket by June 7, 2010 a verified compliance filing (not a letter) specifically explaining what harm would occur to LE if the redacted information became publicly available.

Notice is also given that LE shall include in its compliance filing an explanation of why five years of confidential treatment is warranted, as opposed to two years or some other period.

Sincerely,

Elizabeth A. Rolando
Chief Clerk

EAR:ikb
Administrative Law Judge Albers