ORIGINAL

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION

2011 MAR -2 A 11: 02

CHIEF CLERK'S OFFICE

Hudson Energy Services LLC	)	
	)	
Petition for Emergency Relief to Protect Portions of Report of Continued Compliance as an Alternative Retail Electric Supplier.	)))	**Docket No.** 11-0203

PETITION

NOW COMES Hudson Energy Services LLC ("Hudson") and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect from disclosure for not less than two (2) years highly confidential and proprietary information included in its report of continuing compliance (the "Compliance Report" or "Kilowatt-hour Report") with its certification as an Alternative Retail Electric Supplier ("ARES"). In support of the instant Petition, Hudson states as follows:

1. Hudson is certified by the Commission as an ARES. The Commission originally granted Hudson's certificate of service authority to provide service as an ARES in the State of Illinois, on September 26, 2007, in Docket No. 07-455.

2. On March 1, 2011, Hudson submitted a confidential version of its Compliance Report to the Commission.

3. Hudson's Compliance Report includes confidential information regarding Hudson's annual report of kilowatt-hours related to electricity sold to retail customers. The Kilowatt-hour Report demonstrates Hudson's continuing compliance with the requirement of 83 Ill. Adm. Code 451.770. Hudson considers

this information to be highly confidential and proprietary information, the disclosure of which to competitors, potential competitors, and investors, would be detrimental to Hudson, its parent and shareholders.

4. Just Energy Group Inc., Hudson's parent, is a publicly traded entity on the Toronto Stock Exchange. As such, a large amount of information is provided to investors through Just Energy Group Inc.'s annual report and other documents that publicly traded companies are required to file. Just Energy Group Inc. does not report kilowatt-hours sold by state or by utility service territory. The information contained in the Kilowatt-hour Report could significantly impact shareholders because it would provide actionable information to investors, which is not currently available. Investors could potentially react to this newly available information, which may negatively impact existing shareholders. Further, the retail energy industry is highly competitive. Competitors that are not publicly traded could gain an advantage over Hudson by comparing and contrasting the information in the Kilowatt-hour Report with the information that is required to be filed as a publicly traded company. Competitors could also use the information to determine market share and growth in market share over time. If the information was made publicly available after a period shorter than two years, competitors could use the information to determine where other suppliers are focusing their sales efforts and adjust resources accordingly. This could have a detrimental effect on individual suppliers like Hudson as well as the overall market. It is imperative that public disclosure of confidential information contained in the Compliance Report be avoided for a period of at least two (2) years because of the competitive

harm which disclosure of such information likely would cause Hudson and its parent and the potential negative impact that public disclosure could have on the shareholders.

5. 83 Ill. Adm. Code Section 451.60 provides 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."

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 Hudson's Compliance Report falls within this exemption.

7. Hereby, Hudson seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than two (2) years from the date of this Order, the confidential version of Hudson's Compliance Report.

WHEREFORE, Hudson respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than two (2) years, the above-referenced document that was submitted pursuant to Part 451 to the Chief Clerk of the Commission, on March 1, 2011, as part of Hudson's Compliance Report.

Respectfully submitted,

Hudson Energy Services LLC ("Hudson")

By: _____

Gord Potter
Executive Vice President, Legal & Regulatory Affairs
Hudson Energy
6345 Dixie Rd., Suite 200
Mississauga, ON L5T 2E6
Canada
(905) 670-4440

Dated: February 28, 2011

Verification

Province of Ontario)
)
Region of Peel)

I, Gord Potter, hereby affirm that I have knowledge of the contents of this Petition and it is true and accurate to the best of my knowledge.

Gord Potter
Executive Vice President, Legal & Regulatory Affairs
Hudson Energy

Notarized this 28 day of February, 2011.

Notary Public