

ORIGINAL

ILLINOIS COMMERCE
COMMISSION

2013 MAY 16 | A 10: 56

CHIEF CLERK'S OFFICE

Docket No. 08-0020

13-0364

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Spark Energy, L.P.	§
	§
Petition for Relief to Protect	§
Spark Energy, L.P.'s Annual Part 451	§
Continuing Compliance Report from	§
Public Disclosure	§

PETITION

Pursuant to 83 Ill. Admin. Code §200.430 of the Commission's Rules of Practice, Spark Energy, L.P. ("Spark") hereby petitions the Illinois Commerce Commission ("Commission") for relief to protect from disclosure for not less than five years, highly confidential and proprietary information, included in its 2012 Part 451 Continuing Compliance Report pursuant to the Public Utilities Act and 83 Ill. Adm. Code §451.710. In Support of the instant Petition, Spark states as follows:

1. Spark was certified by the Commission as an Alternative Retail Electric Supplier ("ARES") in the State of Illinois in Docket No. 08-0020 on February 6, 2008.
2. Concurrently with this Petition, Spark has filed its 2012 Part 451 Continuing Compliance Report with the Office of the Chief Clerk of the Commission. A redacted version of the 2012 Part 451 Compliance Report is attached hereto as Exhibit A.
3. Spark's Part 451 Continuing Compliance Report for 2012 includes a copy of its 2012 certified audited financial statements in a separately sealed envelope, marked as "Confidential". Spark request that this information be treated as confidential for it constitutes highly sensitive and confidential business information that should be maintained as confidential in the Commission's files and should be considered exempt

from disclosure to the public. This is sensitive commercial and financial trade secret information about Spark's business that, if disclosed to competitors, would cause substantial harm to Spark and disadvantage it with respect to its competitors. Under Section 7(g) of the Illinois Freedom of Information Act, 5 ILCS 140/7(g), Spark's Petition for Relief to Protect its Financial Statement from public disclosure should be granted because the information within Spark's Financial Statement is "trade secret and commercial financial information" the public disclosure of which may cause a competitive harm to Spark. Here the public disclosure of this information would competitively harm Spark by: (1) violating covenants within Spark's credit arrangement; and (2) provide competitors with valuable insight and knowledge of Spark's assets thereby impairing Spark's ability to participate effectively and competitively in the marketplace.

Section 7(g) of the Illinois Freedom of Information Act, 5 ILCS 14017(g), exempts from public disclosure "trade secret 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 secret or information may cause competitive harm." The commercial and financial information contained in Spark's Financial Statements fall under the purview of Section 7(g) of the Illinois Freedom of Information Act, 5 ILCS 14017(g). In the ordinary course of business, the information contained in the Financial Statements is deemed as confidential, is treated as trade secret information by Spark employees, and is not disclosed to any third parties unless required pursuant to a legal proceeding under the proper jurisdiction. Additionally, non-disclosure of the information will not impair the purpose of the Part 451 Annual ARES Compliance Report, because the Commission and its Staff will have full access to the information in order to fulfill its

statutory obligations. The Commission can thus ensure that with the nondisclosure of the Financial Statements, Spark will continue to comply with competitors.

The information for which protection is sought is highly proprietary and confidential commercial and financial information, consisting of audited, forecasted, and financial arrangement information; the disclosure of which would violate covenants within Spark's credit arrangement. Spark is not a publicly traded company. Therefore, its financial information is not publicly available nor is it audited for public filing. Spark's profit margin information and other hedging activity are for one owner not for public shareholders. Spark's agreement with its auditors prohibits the publishing of those statements, in their current form, with any reference to Spark's auditors or their opinions. Furthermore, Spark's Financial Statements are prepared for its bank compliance, which includes other entities and affiliates outside Spark's retail energy business. In addition, the Financial Statements disclose highly confidential financial information in relation to potential deals with third parties.

Considering the competitive environments in which Spark operates, knowledge of the information within the Financial Statements would provide competitors with specific financial information, including the value of Spark's assets, the identification of assets Spark ' s holds and other valuable trade secrets. The Financial Statements provide credit support for Spark, the terms of which if disclosed would provide its competitors with invaluable information as to Spark's cost of doing business. Spark considers the Financial Statements to be, and has treated them as, a trade secrets. Public disclosure would impair Spark's ability to respond competitively to opportunities in the marketplace and would place Spark at a competitive disadvantage. The potential resulting competitive harm from the

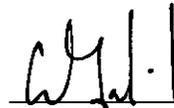
public disclosure of the Financial Statements would be irreparable. Therefore, it is imperative that the Commission provide protective treatment of such information, thus precluding potential competitors from gaining access to this commercially sensitive information.

WHEREFORE, Spark Energy, L.P., respectfully requests that the Commission enter an Order, without hearing, granting Spark's Petition for Relief to Protects its 2012 Audited Financial Statements from public disclosure for a period of five years pursuant to 83 Ill. Adm. Code 200.430.

Respectfully submitted,

SPARK ENERGY, L.P.

By:



Al Galik, Senior Corporate Attorney

2105 CityWest Blvd., Suite 100
Houston, Texas 77042
Tel: (832) 200-3792
Fax: (281) 833-4887
E-mail: agalik@sparkenergy.com

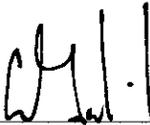
Dated: May 14, 2013

STATE OF TEXAS
COUNTY OF HARRIS

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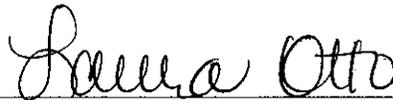
AFFIDAVIT

Al Galik, being duly sworn, deposes and says that he is the Senior Corporate Counsel for Spark Energy, L.P.; that he has read the foregoing Petition and has personal knowledge of the contents thereof; and that the statements therein are true and correct to the best of his knowledge, information and belief.



Al Galik, Senior Corporate Counsel

15 SWORN TO AND SUBSCRIBED TO before me the undersigned authority on this day of May 2013.



NOTARY PUBLIC

Commission Expires:

