

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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| MC Squared Energy Services, LLC |) | |
| d/b/a mc ² – Where Energy Comes From |) | Docket No. 14- |
| |) | |
| |) | |
| Petition for Confidential Treatment of |) | |
| 2013 Part 465.40 Net Metering Report |) | |

**VERIFIED PETITION FOR
CONFIDENTIAL TREATMENT OF INFORMATION**

MC Squared Energy Services, LLC d/b/a mc² – Where Energy Comes From (“mc²”), respectfully petitions the Illinois Commerce Commission (“Commission”), pursuant to Sections 16-107.5 and 4-404 of the Public Utilities Act (“PUA”) (220 ILCS 5/16-107.5 and 5/4-404), and Parts 200.430, 455.20, and 465.40 of the Commission’s Rules (83 Ill. Admin. Code §200.430; 455.20; and 465.40), for emergency relief to protect from disclosure, for not less than two years, highly confidential and proprietary operational data. The subject information is included in a report filed with the Commission’s Chief Clerk’s Office on March 31, 2014: mc²’s 2013 Net Metering Report – filed pursuant to 83 Ill. Admin. Code §465.40 (“Compliance Report”). In support of this Petition, mc² states as follows:

1. mc² is certified as an Alternative Retail Electric Supplier (“ARES”). The Commission granted mc² a certificate to operate as an ARES on March 11, 2009 in Docket No. 09-0059. This certificate was subsequently amended on June 2, 2011 in Docket No. 11-0360.

2. On March 31, 2014, mc² filed a confidential and public version of its Compliance Report to the Chief Clerk of the Commission in accordance with 83 Ill. Admin. Code §465.40. A copy of the Compliance Report also was submitted to the Manager of the Energy Division on March 31, 2014.

3. The confidential version of mc²'s 2013 Compliance Report includes operational data which mc² considers to be highly confidential and proprietary information, the disclosure of which to competitors, or potential competitors, would be detrimental to mc².

4. The retail electric supply 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 two (2) years because of the competitive harm which disclosure of such information likely would cause mc².

5. Section 4-404 of the PUA provides that:

The Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity

220 ILCS 5/4-404. In addition, the Commission's Rules of Practice recognize the potential need for protection of confidential information. Specifically, Section 200.430 provides, in part:

[a]t any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

83 Ill. Admin. Code §200.430. The ARES regulations identify the same categories of information for protection. *See* 83 Ill. Admin. Code 451.60. The protection afforded to such confidential, proprietary, or trade secret nature of any data, information or studies is not limited to any specific time period and "may exceed five years upon a showing of good cause." 83 Ill. Admin. Code 200.430(b).

6. The Illinois Freedom of Information Act provides similar protection for confidential or proprietary information, exempting from public disclosure "trade secrets and commercial or financial information ... where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential." 5

ILCS 140/7(g).

7. Further protection is set forth in the PUA provision that establishes an electricity provider's annual net metering reporting requirement – Section 16.107.5(k), which provides, in part:

Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information.

220 ILCS 5/16-107.5(k).

8. The Illinois Appellate Court has held that information submitted to the Commission by a regulated entity mandates a broad application of the protection of confidential or proprietary information. In *BlueStar Energy Services, Inc. v. Illinois Commerce Commission*, 374 Ill. App. 3d 990 (1st Dist. 2007), the Court stated that the “Illinois legislature intended that the term trade secret would be construed broadly. The bill’s authors included the trade secret exemption because they did not wish to discourage private parties from doing business with the State.” *Id. at 995.* (quoting *Roulette v. Dep’t of Central Management Services*, 141 Ill. App. 3d 394, 399 (1st Dist. 1986).) Illinois courts clearly recognize the need for strong protection of confidential and proprietary information submitted to the Commission by regulated entities such as mc².

9. mc²'s confidential 2013 Compliance Report contains confidential trade information and market sensitive information regarding mc²'s provision of service to net metering customers. mc² considers this information to be highly proprietary and confidential, the disclosure of which to competitors, or potential competitors, would be detrimental to mc². mc² does not disclose this information to any person or entity in the public domain.

10. mc² 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 mc²'s 2013 Compliance Report.

11. As discussed above, the Commission's Rules of Practice do not place a limitation on the time that the Commission may maintain information as non-public, and the protection afforded confidential and proprietary information may exceed five (5) years upon a showing of good cause. 83 Ill. Admin. Code 200.430(b).

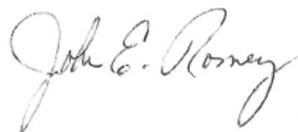
12. In making this request, mc² does not waive, and specifically reserves its right to request confidential treatment for future filings and submittals for a period in excess of two (2) years.

WHEREFORE, MC Squared Energy Services, LLC d/b/a mc² – Where Energy Comes From, 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 confidential version of the Compliance Report that was filed with the Chief Clerk of the Commission on March 31, 2014, pursuant to 83 Ill. Adm. Code Section 465.40.

Dated: April 1, 2014

Respectfully submitted,

MC Squared Energy Services, LLC d/b/a mc² – Where
Energy Comes From

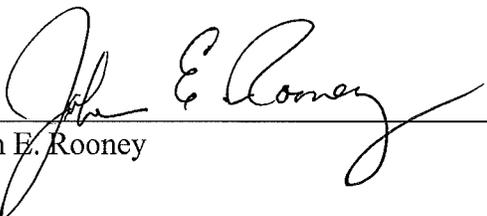


By: _____
One of their attorneys

John E. Rooney
Kenyatta S. Beverly
ROONEY RIPPKE & RATNASWAMY LLP
350 W. Hubbard Street, Suite 600
Chicago, Illinois 60654
(312) 447-2800
john.rooney@r3law.com
kenyatta.beverly@r3law.com

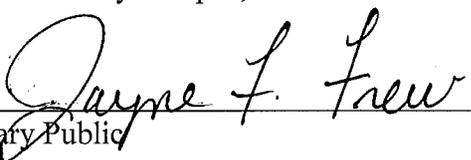
VERIFICATION

I, John E. Rooney, being first duly sworn, depose and state that I am an attorney for MC Squared Energy Services, LLC d/b/a mc² – Where Energy Comes From, that I have read the foregoing Petition, and know the contents thereof, and that the statements contained therein are true and correct to the best of my knowledge, information, and belief.



John E. Rooney

Subscribed and sworn to before
me this 1st day of April, 2014.



Notary Public

