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American Power Partners LLC :
Petition for Confidential Treatment :
of Confidential Items Contained in :
APP's Report of Continuing Compliance :
As an Alternative Retail Electric Supplier :

Docket No.

14-0337

VERIFIED PETITION FOR CONFIDENTIAL TREATMENT

NOW COMES American Power Partners LLC ("Petitioner" or "APP") and hereby submits the instant petition to the Illinois Commerce Commission ("Commission" or "ICC") for relief to protect Petitioner's Consolidated Financial Statement for the Year Ended December 31, 2013 ("Financial Statement") and D&B Report (collectively, "Confidential Items") from disclosure for not less than two years. Each of the aforementioned Confidential Items are included as attachments to the Petitioner's Part 451 Continuing Compliance Report ("Compliance Report"), which is simultaneously being submitted with the instant Petition. Specifically, the D&B Report is included as Attachment A to the Compliance Report, and the 2013 Financial Statement is included as Attachment B to the Compliance Report. The purpose of the instant request is to protect proprietary and confidential information included in the Confidential Items. The disclosure of such information to competitors would be detrimental to Petitioner. In support of the instant Petition, Petitioner respectfully submits the following:

Petitioner is certified by the Commission as an alternative retail electric supplier ("ARES"). The Commission originally granted Petitioner a certificate of service authority to provide service as an ARES in the State of Illinois on November 6, 2013, under Docket No. 13-0561.

Statutory law, ICC regulations, and Commission precedent support the Petitioner's request for confidential treatment of its Confidential Items. First, the Public Utilities Act requires the Commission to protect confidential and proprietary information submitted by regulated entities.¹ Second, the Commission's Rules of Practice similarly provide for protection of "confidential, proprietary or trade secrets nature of any data, information or studies."² Third, the Illinois Freedom of Information Act ("Illinois FOIA") provides for protection of confidential or proprietary information. Specifically, Section 7(g) of the Illinois FOIA exempts, "financial information obtained from a person or business where . . . disclosure of the . . . information may cause competitive harm."³ The Financial Statement and D&B Report submitted as part of the

¹ 220 ILCS 5/4-404 ("The Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person corporation or other entity.")

² 83 Ill. Admin Code 200.430(a). ARES regulations further identify the same categories of information for protection. See 83 Ill. Admin. Code 451.60.

³ 5 ILCS 140/7(g).

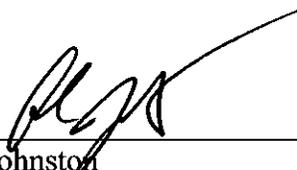
Petitioner's Compliance Report, which is the subject matter of this Petition, falls within this exemption. Fourth, on numerous occasions, the Commission has granted similar requests for two years of confidential treatment of financial information from other entities that are subject to the Commission's jurisdiction.⁴

Whereas other ARES have requested confidential treatment of sensitive proprietary information for periods of time as long as five years, or requested confidential treatment of their entire Compliance Report, Petitioner here only requests that the information contained in its Confidential Items be protected from disclosure to the public for two years. Public disclosure of the Petitioner's Confidential Items would be detrimental to Petitioner, and is not necessary. The retail electric industry is highly competitive in the Illinois marketplace. The Petitioner fears that any disclosure of the competitively sensitive information contained in the Financial Statements, or sensitive financial information contained in the D&B Report, would be used by its competitors in a manner that would be detrimental to the Petitioner. For example, the disclosure of Petitioner's information contained in the Confidential Items could be used by Petitioner's competitors to make informed estimates about the Petitioner's finances. Disclosure of the confidential information contained in the Petitioner's Financial Statements will give an unfair advantage to the competitors of the Petitioner and would substantially harm Petitioner's business operations. Similarly, disclosure of the information contained in the Petitioner's D&B report to the general public would be harmful to Petitioner, as the D&B Report contains sensitive financial information about Petitioner and its affiliate companies.

⁴ See *Interstate Gas Supply of Illinois, Inc.; Petition for Emergency Relief to Protect Portions of IGS' Report of Continued Compliance as an Alternative Gas Supplier*, Docket No. 11-0086 (March 9, 2011) (holding that Petitioner's "request for two years of confidential treatment is also consistent with what it received for its prior Compliance Report . . . as well as what other [alternative gas suppliers] have received for their Compliance Reports."); see also *Dollar Phone Enterprises Inc. d/b/a DPE; Application for a Certificate of Prepaid Calling Service Provider Authority in the Entire State of Illinois*, Docket No. 08-0471 (October 8, 2008) (granting Petitioner's request that its Financial Statements be exempt from public disclosure for a period of five years).

WHEREFORE, the Petitioner respectfully requests the Commission enter an Order, without hearing, protecting from disclosure in its entirety the Confidential Items of American Power Partners LLC for a period of not less than two years.

Respectfully submitted,



Al Johnston
VP Compliance and Quality Assurance
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Dated: April 17, 2014

STATE OF FLORIDA :
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COUNTY OF MIAMI-DADE :

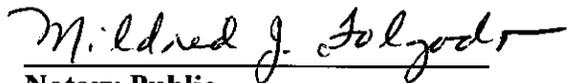
VERIFICATION

I, Al Johnston, first being duly sworn upon oath depose that I have read the above and foregoing Verified Petition for Confidential Treatment by me subscribed and know the contents thereof; that said contents are true in substance and in face, except as to those matters stated upon information and belief, and as to those, I believe same to be true.



Al Johnston
VP Compliance and Quality Assurance

Subscribed and sworn to before me this 17th day of April, 2014.



Notary Public

