

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

MC Squared Energy Services, LLC)
d/b/a mc² – Where Energy Comes From) Docket No. 15-
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)
Petition for Confidential Treatment of)
2014 Part 410 and Part 451 Compliance Reports)

**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 Section 4-404 of the Public Utilities Act (“PUA”) (220 ILCS 5/4-404) and Parts 200.430 and 455.20 of the Commission’s Rules (83 Ill. Admin. Code §200.430 and 455.20), for emergency relief to protect from disclosure, for not less than two years, highly confidential and proprietary financial and operational data. The subject information is included in two reports filed with the Commission’s Chief Clerk’s Office on February 24, 2015: mc²’s 2014 Annual Kilowatt-Hours Compliance Report – filed pursuant to 83 Ill. Admin. Code §451.770; and its 2014 Customer Call Report – filed pursuant to 83 Ill. Admin. Code §410.45 (collectively, the “Compliance Reports”). 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 February 24, 2015, mc² submitted a confidential and public version of each of its Compliance Reports to the Chief Clerk of the Commission in accordance with 83 Ill. Admin. Code §451.770 and 83 Ill. Admin. Code §410.45.

3. The confidential version of mc²'s 2014 Customer Call 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 confidential version of mc²'s 2014 Annual Kilowatt-Hours Compliance Report includes financial 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.

5. The retail electric supply industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the Compliance Reports 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.

6. 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).

7. 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).

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 2014 Customer Call Report contains information concerning the actual operational statistics of mc²’s call center activity for 2014. This proprietary information would provide competitors with market sensitive information and direct insight into mc²’s relative position in the market, as well as the key metrics to its call center operations. This information would also allow a competitor to review and assess the effectiveness of mc²’s customer care operations. Disclosure of this information would allow a competitor to use this information against mc² and cause competitive harm to mc². mc² does not disclose this information to any person or entity in the public domain.

10. mc²'s confidential 2014 Annual Kilowatt-Hours Compliance Report contains information concerning the actual sales activity for 2014. Disclosure of financial data such as mc²'s sales information is harmful to mc² because it provides competitors insight into mc²'s relative position in the market. This information would also allow a competitor to review and assess the effectiveness of mc²'s sales and marketing efforts throughout 2014. mc² does not disclose this information to any person or entity in the public domain and its public release would be damaging to mc².

11. 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, the following documents:

- a. mc²'s 2014 Section 410.45 Customer Call Report
- b. mc²'s 2014 Section 451.770 Annual Kilowatt-Hours Compliance Report

12. 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).

13. 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.

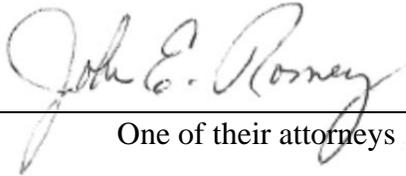
WHEREFORE, MC Squared Energy Services, LLC d/b/a mc² – Where Energy Comes From, respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than two (2) years, the above-referenced confidential versions of the Compliance Reports that were filed with the Chief Clerk of the Commission on

February 24, 2015, pursuant to 83 Ill. Adm. Code Sections 410 and 451.

Dated: February 24, 2015

Respectfully submitted,

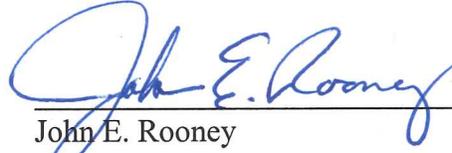
MC Squared Energy Services, LLC d/b/a mc² – Where
Energy Comes From

By:  _____
One of their attorneys

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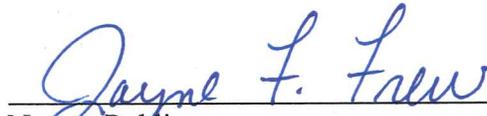
VERIFICATION

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 24th day of February, 2015.



Notary Public

