

Champion Energy, LLC)
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Petition for Relief to Protect Petitioner's 2014)
Kilowatt-Hour Report from Disclosure for Not)
Less Than Two Years to Protect Highly)
Confidential and Proprietary Information)
)

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Docket No. ~~015~~ CLERK'S OFFICE

15-0159

**PETITION FOR RELIEF TO PROTECT CONFIDENTIAL AND PROPRIETARY
INFORMATION OF CHAMPION ENERGY, LLC**

Pursuant to 83 Ill. Adm. Code 200.430 and 451.60, Champion Energy, LLC ("Champion") hereby petitions the Illinois Commerce Commission ("Commission") for relief to protect Champion's 2014 Kilowatt-Hour Report ("2014 Report") from disclosure for not less than two years to protect highly confidential and proprietary information included therein. In support of this Petition, Champion states as follows:

1. Champion is certified by the Commission as an alternative retail electric supplier ("ARES") in the State of Illinois. The Commission granted Champion a certificate of service authority as an ARES on January 17, 2007, in Docket No. 06-0720, and amended that certification on May 5, 2010, in Docket No. 10-0168.

2. Champion is required, pursuant to 83 Ill. Adm. Code 451.770, to submit to the Commission each year a report for the preceding calendar year stating the total annual kilowatt-hours delivered and sold by Champion to retail customers within each utility service territory and the total annual kilowatt-hours delivered and sold by Champion to retail customers in all utility service territories.

3. Pursuant to 83 Ill. Adm. Code 451.770, on February 27, 2015, Champion submitted via overnight delivery its 2014 Report to the Chief Clerk of the Commission, with copies also provided to the Energy Division – ARES and the Financial Analysis Division. The

2014 Report contains information that Champion designates as confidential and proprietary pursuant to 83 Ill. Adm. Code 451.60. Pursuant to 83 Ill. Adm. Code 200.430(d), this confidential and proprietary information (“Confidential Information”) is redacted from the public version of Champion’s 2014 Report. Pursuant to 83 Ill. Adm. Code 451.60, on February 27, 2015, Champion also submitted to the Chief Clerk of the Commission, under seal and marked “Confidential & Proprietary,” an unredacted version of the 2014 Report.

4. The Confidential Information is highly sensitive material that should be protected from public disclosure for not less than two (2) years. Specifically, the information contains trade information and commercial and market sensitive information regarding Champion’s provision of service in Illinois. This information is privileged or confidential and is exempt from public disclosure under Section 4-404 of the Public Utilities Act (“PUA”), 220 ILCS 5/4-404, and Section 7(g) of the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 140/7.

5. Section 4-404 of 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[.]” (Emphasis added.) An ARES that believes any of the information to be submitted to the Commission by the ARES is privileged or confidential is instructed by the Commission’s rules to “request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of [the information].” 83 Ill. Adm. Code 451.60.

6. Similarly, Section 7(g) of the Illinois FOIA exempts 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, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm” 5 ILCS 140/7(1)(g). The Confidential Information falls

within this exemption and should be afforded confidential treatment pursuant to both PUA and the Illinois FOIA. More particularly, the Confidential Information includes market-sensitive material which is company specific, and information of a highly commercially sensitive nature involving company business operations or financial information. The specific information for which Champion seeks confidential and proprietary treatment is the total kilowatt hour sales in the service areas for which Champion provides service. Such information could be used by Champion's competitors to determine Champion's market share. The Commission has consistently held that market share data is confidential. *See, e.g., Petition for Confidential Treatment of MC Squared Energy Services, LLC's Part 410 and Part 451 Compliance Reports*, Docket No. 14-0168, Order (Apr. 16, 2014); *Petition for Relief to Protect Portions of Consolidated Edison Solutions, Inc.'s Annual Kilowatt-hour Report from Disclosure for Not Less Than Two Years in Order to Protect Highly Confidential and Proprietary Information*, Docket No. 14-0187, Order (May 13, 2014); *Ameren Energy Marketing Company's Petition for Confidential Treatment of Annual Kilowatt-hour Report Filed Pursuant to 83 Ill. Adm. Code 451.770*, Docket No. 13-0187, Order (Mar. 27, 2013); *Petition for Emergency Relief to protect portions of the Kilowatt-Hour Report submitted pursuant to 83 Ill. Admin. Code 451.770 and portions of the Call Center Report pursuant to 83 Ill. Admin. Code 410.45*, Docket No. 13-0180, Order (Mar. 20, 2013); *Petition for Emergency Relief to protect portions of IGS Energy's Kilowatt-Hour Report submitted pursuant to 83 Ill. Admin. Code 451.770*, Docket No. 13-0179, Order (Apr. 3, 2013). *See also Sharkey v. Food & Drug Administration*, 2007 U.S. App. LEXIS 23597 (11th Cir. 2007). The Confidential Information is not widely available or known outside of Champion and would be of considerable value to competitors or potential competitors of Champion to the serious detriment of Champion.

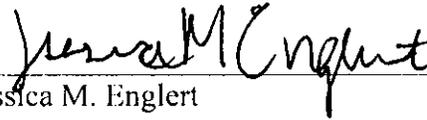
7. The electric service industry is highly competitive, and it is imperative that public disclosure of the Confidential Information is avoided for a period of at least two years. The Commission has previously afforded proprietary and confidential treatment to the type of information for which Champion seeks protection. *See, e.g., Petition for Confidential Treatment of MC Squared Energy Services, LLC's Part 410 and Part 451 Compliance Reports*, Docket No. 14-0168, Order (Apr. 16, 2014); *Petition for Relief to Protect Portions of Consolidated Edison Solutions, Inc.'s Annual Kilowatt-hour Report from Disclosure for Not Less Than Two Years in Order to Protect Highly Confidential and Proprietary Information*, Docket No. 14-0187, Order (May 13, 2014); *Ameren Energy Marketing Company's Petition for Confidential Treatment of Annual Kilowatt-hour Report Filed Pursuant to 83 Ill. Adm. Code 451.770*, Docket No. 13-0187, Order (Mar. 27, 2013); *Petition for Emergency Relief to protect portions of the Kilowatt-Hour Report submitted pursuant to 83 Ill. Admin. Code 451.770 and portions of the Call Center Report pursuant to 83 Ill. Admin. Code 410.45*, Docket No. 13-0180, Order (Mar. 20, 2013); *Petition for Emergency Relief to protect portions of IGS Energy's Kilowatt-Hour Report submitted pursuant to 83 Ill. Admin. Code 451.770*, Docket No. 13-0179, Order (Apr. 3, 2013).

8. Accordingly, Champion seeks an order from this Commission, without hearing, protecting from disclosure, for a period of not less than two years from the date of the order, the Confidential Information submitted in compliance with 83 Ill. Adm. Code 451.

9. Champion agrees to accept service by electronic means as provided for in 83 Ill. Adm. Code 200.1050.

WHEREFORE, PREMISES CONSIDERED, Champion Energy, LLC respectfully requests that the Commission enter an order, without hearing, protecting from disclosure the Confidential Information submitted to the Commission for a period of not less than two years.

Respectfully submitted,



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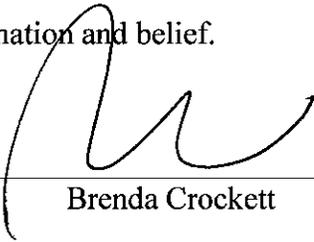
Attorney for Champion Energy, LLC

Dated: February 27, 2015

VERIFICATION

STATE OF TEXAS)
)
COUNTY OF HARRIS)

I, Brenda Crockett, being first duly sworn upon my oath, depose and state that I am Vice President of Market Development and Regulatory Affairs for Champion Energy, LLC; that I have reviewed the confidential and proprietary information described in the foregoing Petition; that I have read the above and foregoing Petition for Relief; and that said contents are true, correct and complete to the best of my knowledge, information and belief.



Brenda Crockett

Subscribed and sworn to before me this 25 day of February 2015.



Notary Public

