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ILLINOIS COMMERCE COMMISSION**

**STATE OF ILLINOIS
COMMERCE COMMISSION**

ORIGINAL

Interstate Gas Supply, Inc. :

Petition for Relief To Protect Portions of
Interstate Gas Supply, Inc's 2014 Annual
Dekatherm Report From Public Disclosure. :

Docket No. 15-0173

JMM

CHIEF CLERK'S OFFICE

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ILLINOIS COMMERCE
COMMISSION

VERIFIED PETITION

Pursuant to Sections 551.60 and 200.430 of the Illinois Administrative Code Interstate
Gas Supply, Inc. (IGS) respectfully requests issuance of an order that protects from public
disclosure, for not less than two years, highly confidential and proprietary information included
in IGS's 2014 report stating the total annual dekatherms delivered and sold to retail customers
within each utility service territory in the proceeding calendar year (2014 Dekatherm Report).
The Commission should grant this Petition for the reasons that follow.

1. IGS is certified as an Alternative Gas Supplier (AGS), pursuant to the Final Order
in Docket 13-0478. In the Docket 13-0478 Order, the Commission granted IGS a certificate of
service authority (Certificate) to offer the sale of natural gas service to all eligible residential
and small commercial customers in the service areas of Nicor Gas Company, Northshore Gas
Company, and Peoples Gas Light & Coke Company.

2. Concurrently with this Petition, IGS has filed with the Chief Clerk of the
Commission its 2014 Dekatherm Report. IGS's 2014 Dekatherm Report includes total annual
dekatherm sales in the respective service territories of Nicor, Northshore, and Peoples Gas. IGS
considers this information highly proprietary and confidential. It is imperative that public
disclosure of total annual dekatherm sales in the territories of Nicor, Northshore, and Peoples

Gas be avoided for at least two years because of the competitive harm IGS would suffer if this information became publicly available any sooner.

3. 83 Ill. Adm. Code Section 551.60 provides: “If an applicant or AGS believes any of the information to be disclosed by an applicant or AGS is privileged or confidential, the applicant or AGS should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430.”

4. Documents submitted to or filed with the Commission are generally available to the public, either through the Commission’s e-Docket system or upon request to the Commission. Section 7(g) of the Illinois Freedom of Information Act, however, exempts from public disclosure by the Commission “trade secrets and commercial or financial information . . . where the trade secrets or information are proprietary, privileged or confidential.” (5 ILCS 140/7(g).)

5. The total annual dekatherm sales in the respective service territories of Nicor, Northshore, and Peoples Gas falls within the exemptions recognized by 83 Ill. Adm. Code 551.60 and 5 ILCS 140/7(g). Total annual dekatherm sales could be used by competitors to derive IGS's market share. Market share information is highly sensitive, and is treated as such by IGS. Courts have recognized that market share information is entitled to protection from public disclosure. *See The Stanley Works v. Newell Co.*, 1992 U.S. Dist. Lexis 13817 (N.D. Ill. 1992), at *15 (denying motion to compel production of market share information).

6. Public disclosure of IGS’s 2014 dekatherm sales would inform IGS’s competitors of the volume of load served by IGS last year. Competitors would know not only the aggregate amount of gas sold; they would also know, by utility service territory, where this gas was sold.

By knowing the volume of load served and where it was served, IGS's competitors (or potential competitors) will be able to determine IGS's market share in each incumbent utility service area. Competitors will know where IGS is most active, and where it may be concentrating its marketing efforts. Armed with knowledge of IGS's market share, competitors could adjust their marketing strategies to respond to competition from IGS. Competitors, for example, could use IGS's dekatherm sales information to develop misleading comparative advertising, highlighting their relative prominence in the market while diminishing IGS's. Competitors could also use IGS's dekatherm sales information to their advantage by attempting to price IGS out of the market and gain market share. If successful, such tactics would lead to fewer AGS. Granting proprietary treatment of an AGS's annual dekatherm sales is thus necessary to ensure free and fair competition.

7. The fewer AGSs there are, the more flexibility remaining AGSs have to raise prices. Diminishing competition is antithetical to the purpose of Alternative Gas Supplier Law, 220 ILCS 5/19-100 *et seq.*, which contains specific provisions to provide for a competitive natural gas market. The Commission should encourage a diversity of suppliers in order to promote competition. "The Commission's Office of Retail Market Development shall prepare an annual report regarding the development of competitive retail natural gas markets in Illinois. The Office shall monitor existing competitive conditions in Illinois, identify barriers to retail competition for all customer classes, and actively explore and propose to the Commission and to the General Assembly solutions to overcome identified barriers." 220 ILCS 5/19-130. Thus, disclosure of IGS's 2014 dekatherm sales would be harmful not only to IGS, but to competition generally.

8. IGS's request for proprietary status of its 2014 Dekatherm Report is consistent

with requests made by other AGSs. Illinois AGSs routinely seek orders preventing disclosure of annual dekatherm sales. The Commission has consistently granted these requests, finding in each instance that the AGS would be harmed by public disclosure of data that could be used to derive market share. *See Interstate Gas Supply, Inc. d/b/a IGS Energy*, Order, Docket 14-0098 (Mar. 19, 2014); *Champion Energy, LLC.*, Order, Docket 13-0169 (Mar. 20, 2013); *Interstate Gas Supply of Illinois*, Order, Docket 13-0100 (Mar. 6, 2013); *Integrays Energy Services – Natural Gas, LLC.* Order, Docket 13-0092 (Feb. 14, 2013). Nothing about the AGS market has changed to warrant a departure from past practice concerning the proprietary status of annual dekatherm sales.

9. IGS’s request is also consistent with the Commission’s decision in Docket 14-0098, which granted IGS’s petition for confidential treatment of its annual dekatherm sales for two years on the basis that public “disclosure of [annual dekatherm reports] within a few years of issuance is apt to cause Petitioner competitive harm.” Docket 14-0098, Order, p. 1 (Mar. 19, 2014.)

10. IGS seeks an order preventing public disclosure of 2014 dekatherm sales for a period of two years. Two years is the “default” period for confidential treatment under 83 Ill. Adm. Code 200.430(b), as the Commission found in each of the above dockets.

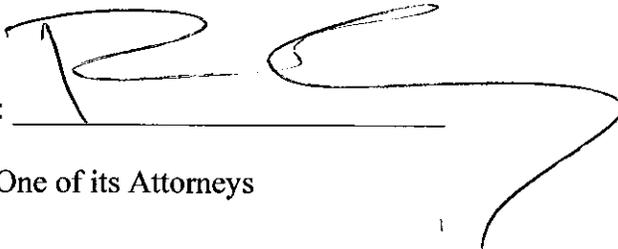
11. In addition to a confidential version of the 2014 Dekatherm Report, IGS is also filing with the Chief Clerk a public version. Total annual dekatherm sales are redacted from the public version.

WHEREFORE, IGS respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than two years, the total annual dekatherm sales included in IGS’s 2014 Dekatherm Report.

Dated: February 27, 2015

Respectfully submitted,

INTERSTATE GAS SUPPLY, INC.

By:  _____

One of its Attorneys

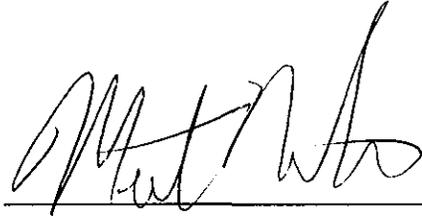
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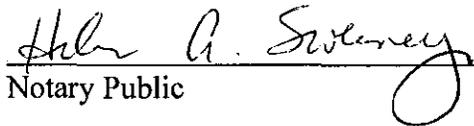
STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

VERIFICATION

Matthew White, being first duly sworn, deposes and says that he is General Counsel for Interstate Gas Supply, Inc., that he has read the foregoing Petition and that the statements contained therein are true, correct and complete to the best of his knowledge, information and belief.



Subscribed and sworn to before
me this 17th day of February, 2015.


Notary Public



Helen A. Sweeney
Notary Public, State of Ohio
My Commission Expires 09-26-2015