

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ORIGINAL

ILLINOIS COMMERCE
COMMISSION

2015 MAR -5 P 1:01

CHIEF CLERK'S OFFICE

Star Energy Partners LLC :
:
Application for Certificate of :
Service Authority under Section :
16-115 of the Public Utilities Act :

Docket No.: 15-0175

**MOTION FOR PROTECTIVE ORDER TO PROTECT CONFIDENTIAL
AND PROPRIETARY INFORMATION OF
STAR ENERGY PARTNERS LLC AND MOTION TO APPEAR PRO HAC VICE**

Pursuant to 83 Ill. Adm. Code 200.430, Star Energy Partners LLC ("Star Energy Partners") hereby files this Motion for Protective Order to Protect Confidential and Proprietary Information of Star Energy Partners, moving that the Illinois Commerce Commission ("ICC" or "Commission") issue a protective order to protect portions of Star Energy Partners' Application filed in this docket (the "Application") from disclosure for not less than two years from the date of filing to protect highly confidential and proprietary financial and commercial information included therein, and moves for entry of appearance, *pro hac vice*, of James H. Ellis, as counsel in the above-captioned matter pursuant to 83 Ill. Adm. Code 200.90 and 200.25, and Illinois Supreme Court Rule 707. In support of this motion, Star Energy Partners states as follows:

1. This Motion was filed simultaneously with the filing of the Application in the above-styled proceeding.
2. In its Application, Star Energy Partners applied to the Commission for a certificate of service authority under Section 16-115 of the Public Utilities Act to be an alternative retail electricity supplier ("ARES") in the State of Illinois.
3. Exhibits C, D, E, F, and G to Star Energy Partners' Application contain highly sensitive confidential and proprietary information ("Proprietary Information"), and such information was redacted from the public version of the Application. The Proprietary Information was filed separately under seal, marked "Confidential" and was

also filed timely with the Application, so as to present a complete Application, and this Motion.

4. The Proprietary Information is highly sensitive material that Star Energy Partners has designated highly proprietary and confidential information and should be protected from public disclosure for not less than two (2) years. Specifically, the information contains proprietary, and/or commercial and financial information that is privileged and confidential and is exempt from public disclosure under Section 4-404 of the Public Utilities Act (“PUA”), 220 ILCS 514-404, Section 7(g) of the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 14017.

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.” An ARES who believes that 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. Attachments C, D, E, F, and G are considered confidential corporate documents, and more specifically, the financial, technical, and managerial information is proprietary and not available publicly.

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 information are proprietary, privileged, or confidential, or where disclosure of such trade secrets or information may cause competitive harm.” 5 ILCS 140/7(1)(g). The Proprietary Information falls within this exemption and should be afforded confidential treatment pursuant to both PUA and the Illinois FOIA.

7. The Proprietary Information includes, but is not limited to, market-sensitive material which is company specific, and information of a highly commercially sensitive nature involving company business operations or financial information. More particularly, the Proprietary Information includes commercially-sensitive credit agreements and Star Energy Partners’ financial statements for 2013 and 2014 as well as identifies of specialized employees. The Proprietary Information is not widely available or known outside of Star Energy Partners and would be of considerable value

to competitors, or potential competitors, of Star Energy Partners to the serious detriment of Star Energy Partners. The Proprietary Information was submitted to the Commission under seal and was provided to demonstrate that Star Energy Partners satisfies the requirements to receive a certificate of service authority to be an ARES.

8. The electricity service industry is highly competitive, and it is imperative that public disclosure of the Proprietary Information is avoided. The Commission has previously afforded proprietary and confidential treatment to the type of information for which Star Energy Partners seeks protection. See, e.g., Order, *XOOM Energy Illinois, LLC's Application for Certificate of Service Authority under Section 19-110 of the Public Utilities Act*, Docket no. 11-0724 (Dec. 13, 2011); Order, *Ambit Northeast, LLC's Application for Certificate of Service Authority under Section 16-115 of the Public Utilities Act*, Docket 11-0112 (Mar. 23, 2011).

9. Accordingly, Star Energy Partners requests that Exhibits C, D, E, F and G to the Application be maintained under seal and not made part of the public record for a period of not less than two (2) years.

10. Furthermore, pursuant to 83 Ill. Adm. Code 200.90(a) and 200.25, and Illinois Supreme Court Rule 707, the undersigned out-of-state attorney, James H. Ellis, moves to enter an appearance *pro hac vice* to appear on behalf of Star Energy Partners in this proceeding.

11. James H. Ellis represents Star Energy Partners and is admitted to practice law in California. James H. Ellis state bar number is 181153, and he is a member in good standing in the State of California. James H. Ellis's affidavit testing to the above facts is attached to this Motion.

12. Star Energy Partners wishes to involved James H. Ellis in the above-styled cause based under her role at Star Energy Partners. He believes that the State of California grants Illinois attorneys leave for admission *pro hac vice* in similar situations.

13. James H. Ellis agrees to abide by the Commission Rules of Practice and the Illinois Rules of Professional Conduct.

WHEREFORE, PREMISES CONSIDERED, Star Energy Partners respectfully requests that the Commission enter an Order, without hearing, (1) protecting from disclosure the Proprietary Information submitted to the Commission for a period of not less than two (2) years, and (2) permitting James H. Ellis to appear *pro hac vice* in this proceeding.

Respectfully Submitted,



James H. Ellis,
Partner, Glaser Weil, LLP
California State Bar #181153
Attorney for Star Energy Partners LLC
10250 Constellation Blvd., 19th Floor
Los Angeles, CA 90067
310-553-3000 phone
310-556-7895 direct
jellis@glaserweil.com

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

VERIFICATION

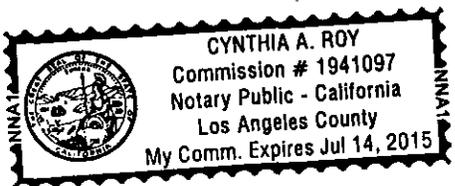
STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, James H. Ellis, being first duly sworn upon my oath, depose and state that I am attorney for Star Energy Partners LLC; that I have reviewed the Motion for Protective Order to Protect Confidential and Proprietary Information of Star Energy Partners LLC and Motion to Appear Pro Hac Vice; and that said contents are true, correct and complete to the best of my knowledge, information and belief. In connection with my representation of Star Energy Partners LLC in this case, I agree to abide by the Illinois Rules of Professional Conduct and the rules and orders of the Illinois Commerce Commission.

Under penalties described in Section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements made above are true and correct.

James H. Ellis
James H. Ellis

Subscribed and sworn to before me this 3rd day of March, 2015.



[Signature]
Notary Public

VERIFICATION

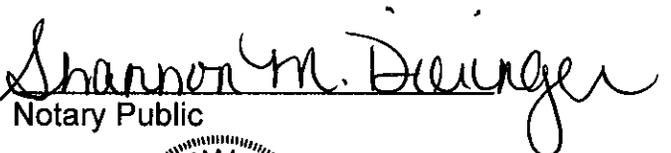
STATE OF OHIO)
)
COUNTY OF SUMMIT)

I, Tony C. Banks, being first duly sworn upon my oath, depose and state that I am President and Chief Executive Officer for Star Energy Partners LLC; that I have reviewed the Confidential and Proprietary Information described in the foregoing Motion; that I have read the above Motion for Protective Order to Protect Confidential and Proprietary Information of Star Energy Partners LLC and Motion to Appear Pro Hac Vice; and that said contents are true, correct and complete to the best of my knowledge, information and belief.



Tony C. Banks

Subscribed and sworn to before me this 4th day of March, 2015.



Notary Public



Shannon M. Dieringer
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 10/27/2016