

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

MC Squared Energy Services, LLC)	
d/b/a mc ² – Where Energy Comes From)	Docket No. 15-
)	
)	
Petition for Confidential Treatment of)	
Part 451.710 Annual Compliance Report)	

**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, 451.60, 455.20, and 451.710 of the Commission’s Rules (83 Ill. Admin. Code §200.430; 451.60; 455.20; and 451.710), for emergency relief to protect from disclosure, for not less than two years, highly confidential and proprietary information. The subject information is included in a report filed with the Commission’s Chief Clerk’s Office on March 19, 2015: mc²’s Annual ARES Statement of Continuing Compliance Report – filed pursuant to 83 Ill. Admin. Code §451.710 (“Annual Compliance Report”). 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 March 19, 2015, mc² filed a confidential and public version of its Annual Compliance Report to the Chief Clerk of the Commission in accordance with 83 Ill. Admin. Code §451.710. A copy of the confidential and public version of the Annual Compliance Report was also submitted to the Energy Division – ARES and the Financial Analysis Division – ARES

on March 19, 2015.

3. The confidential version of mc²'s Annual Compliance Report includes financial and commercial information which mc² considers highly confidential and proprietary, the disclosure of which to competitors, or potential competitors, would be detrimental to mc².

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

5. 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).

6. 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).

7. 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.

8. mc²’s confidential Annual Compliance Report contains confidential trade information and market sensitive information that is specific to mc², and information of a commercially sensitive nature involving company business operations or financial information. mc² considers this information to be highly confidential and proprietary, the disclosure of which to competitors, or potential competitors, would be detrimental to mc². mc² does not disclose this information to any person or entity in the public domain.

9. 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 mc²’s Annual Compliance Report.

10. 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).

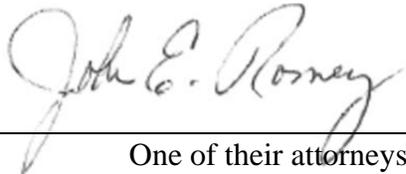
11. In making this request, mc² does not waive, and specifically reserves its right to request confidential treatment for future filings and submittals for a period in excess of two (2) years.

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 version of the Annual Compliance Report that was filed with the Chief Clerk of the Commission on March 19, 2015, pursuant to 83 Ill. Adm. Code Section 451.710.

Dated: March 20, 2015

Respectfully submitted,

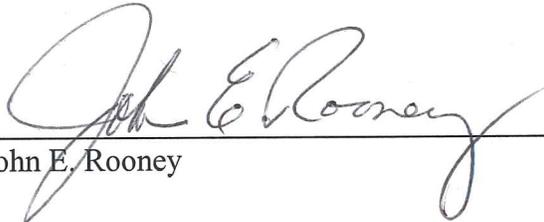
MC Squared Energy Services, LLC d/b/a mc² – Where Energy Comes From

By:  _____
One of their attorneys

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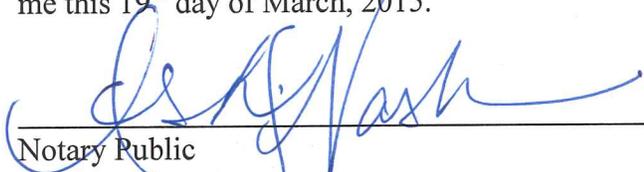
VERIFICATION

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 19th day of March, 2015.



Notary Public

