

2016 FEB 24 A 11: 21

CHIEF CLERK'S OFFICE

Commerce Energy Inc. d/b/a Tara Energy)
("Tara Energy"))
)
Petition for Emergency Relief to Protect Portions of)
Report of Continued Compliance as an)
Alternative Retail Electric Supplier.)

Docket No. 06-0723

16-0094

PETITION

NOW COMES Commerce Energy Inc. d/b/a Tara Energy ("Tara Energy") and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect from disclosure for not less than two (2) years highly confidential and proprietary information included in its report of continuing compliance (the "Compliance Report" or "Kilowatt-hour Report") with its certification as an Alternative Retail Electric Supplier ("ARES"). In support of the instant Petition, Tara Energy states as follows:

1. Tara Energy is certified by the Commission as an ARES. The Commission originally granted Tara Energy's certificate of service authority to provide service as an ARES in the State of Illinois, on January 17, 2007, in Docket No. 06-0723.
2. On February 23rd, 2016, Tara Energy submitted a confidential version of its Compliance Report to the Commission.
3. Tara Energy's Compliance Report includes confidential information regarding Tara Energy's annual report of kilowatt-hours related to electricity sold to retail customers. The Kilowatt-hour Report demonstrates Tara Energy's continuing compliance with the requirement of 83 Ill. Adm. Code 451.770. Tara Energy

considers this information to be highly confidential and proprietary information, the disclosure of which to competitors, potential competitors, and investors, would be detrimental to Tara, its parent and shareholders.

4. Just Energy Group, Inc., Tara Energy's parent, is a publicly traded entity on the New York Stock Exchange as well as the Toronto Stock Exchange. As such, a large amount of information is provided to investors through Just Energy Group Inc.'s annual report and other documents that publicly traded companies are required to file. Just Energy Group, Inc. does not report kilowatt-hours sold by state or by utility service territory. The information contained in the Kilowatt-hour Report could significantly impact shareholders because it would provide actionable information to investors, which is not currently available. Investors could potentially react to this newly available information, which may negatively impact existing shareholders. Further, the retail energy industry is highly competitive. Competitors that are not publicly traded could gain an advantage over Tara Energy by comparing and contrasting the information in the Kilowatt-hour Report with the information that is required to be filed as a publicly traded company. Competitors could also use the information to determine market share and growth in market share over time. If the information was made publicly available after a period shorter than two years, competitors could use the information to determine where other suppliers are focusing their sales efforts and adjust resources accordingly. This could have a detrimental effect on individual suppliers like Tara Energy as well as the overall market. It is imperative that public disclosure of confidential information contained in the 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 Tara Energy and its parent and the potential negative impact that public disclosure could have on the shareholders.

5. 83 Ill. Adm. Code Section 451.60 provides that: "If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES 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."
6. Section 7(g) of the Illinois Freedom of Information Act exempts from public disclosure "trade secrets and commercial or financial information...where the trade secrets or information are proprietary, privileged or confidential." (5 ILCS 150/7(g).) The financial and trade information contained in Tara Energy's Compliance Report falls within this exemption.
7. Hereby, Tara Energy 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 confidential version of Tara Energy's Compliance Report.

WHEREFORE, Tara Energy 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 document that was submitted pursuant to Part 451 to the Chief Clerk of the Commission, on February 23rd, 2015, as part of Tara Energy's Compliance Report.

Respectfully submitted,

Commerce Energy Inc. d/b/a Tara Energy ("Tara Energy")

By:  _____

Duncan Stiles
EVP, Commercial Division
Commerce Energy, Inc. d/b/a Tara Energy
6345 Dixie Road, Suite 200
Mississauga, Ontario, L5T 2E6

Dated: February 23, 2016

Verification

Province of Ontario)

City of Toronto)

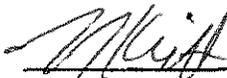
I, Duncan Stiles, hereby affirm that I have knowledge of the contents of this Petition and it is true and accurate to the best of my knowledge.

APPROVED
BY LEGAL
RLW



Duncan Stiles
EVP, Commercial Division
Commerce Energy, Inc. d/b/a Tara Energy

Notarized this 23rd day of February, 2016.



Notary Public

CERTIFICATE OF OATH

I the undersigned, Duncan Stiles, EVP, Commercial Division, on oath severally say that the foregoing report has been prepared, under my direction, from the original books, papers and records of Commerce Energy, Inc. d/b/a Tara Energy, that I have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of Commerce Energy, Inc. d/b/a Tara Energy in every respect to each and every matter and thing therein set forth, to the best of my knowledge, information and belief.

Dated this day of February, 2016, at 6345 Dixie Rd., Mississauga, Ontario, L5T 2E6



Signer: *Duncan Stiles*

Title: EVP, Commercial Division

Subscribed and sworn before me
This²³ day of February, 2016

APPROVED
BY:
KIU



NOTARIZATION:

Notarial Seal