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**ILLINOIS COMMERCE COMMISSION**

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| Verde Energy USA Illinois, LLC | : | Docket No. ~~15-~~ 16-0132 |
| Petition for Relief to Protect Verde Energy USA Illinois, LLC's Annual Part 451 Kilowatt-hour Reporting Requirement from Public Disclosure | : | February 29th, 2016 |

## COMPLIANCE FILING AND PETITION FOR CONFIDENTIAL TREATMENT

VERDE ENERGY USA ILLINOIS, LLC ("Verde") hereby submits its Compliance Filing and Petition for Confidential Treatment:

1. On November 8, 2011, the Illinois Commerce Commission (the "Commission") granted Verde certificate of service authority under Section 16-115 of the Public Utilities Act to become an alternate retail electric supplier ("ARES") in Illinois in the above-referenced docket. Pursuant to Section 451.770 of the Illinois Administrative Code ("Part 451 "), Verde is required to submit a report on an annual basis to the Commission regarding its total kilowatt-hours delivered and sold to retail customers within each utility service territory (the "Total KWH Delivered and Sold Report"). Verde moves to protect its Total KWH Delivered and Sold Report, filed contemporaneously with this petition, from disclosure until no earlier than March 1, 2018 because the contains highly proprietary and confidential information, the disclosure of which would cause competitive harm to Verde's business.

2. Verde seeks confidential treatment of its Total KWH Delivered and Sold Report because it contains trade information and market sensitive information regarding Verde's provision of service to customers in Illinois. Verde considers this information to be highly proprietary and confidential information, the disclosure of which to competitors, or potential competitors would be detrimental to Verde.

3. The data contained in the Total KWH Delivered and Sold Report is competitively sensitive because it identifies Verde's total kilowatt-hours delivered and sold during the past year. This information directly indicates Verde's market share, the projected amount of energy Verde needs to serve its load and the extent to which Verde is active in certain service areas. This kind of information is generally not publicly available because it could affect Verde's market position if its competitors had access to these details.

4. The Act requires the Commission to ensure adequate protection for confidential documents. Section 4-404 of the Act, 220 ILCS 5/4-404 provides that "[t]he Commission shall provide adequate protection for confidential and proprietary information, furnished, delivered, or filed by any person, corporation or other entity."

5. The Commission's administrative rules specifically contemplate protection for privileged and confidential information that ARESs are required to file and provide that "[i]f 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. The information contained in Verde's Total KWH Delivered and Sold Report is also exempted from public disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq. ("FOIA"). Section

7(1)(g) of the FOIA exempts from public disclosure "trade secrets and commercial or financial information obtained from a person or business 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 to the person or business." (5 ILCS 140/7(1) (g)).

7. Verde seeks an Order from the Commission, without hearing, protecting from disclosure, until no earlier than March 1, 2018 its Total KWH Delivered and Sold Report which contains confidential and proprietary information regarding Verde's total kilowatt-hours delivered and sold and other highly sensitive market information regarding Verde's business operations.

8. Therefore, pursuant to Section 200.430 of the Commission's Rules of Practice, Verde respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure until no earlier than March 1, 2018.

Dated: February 29th 2016

Respectfully submitted,

Verde Energy USA Illinois, LLC

By: _____

Thomas FitzGerald
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tfitzgerald@verdeenergyusa.com

**AFFIDAVIT**

STATE OF CONNECTICUT )

) ss: Norwalk

COUNTY OF FAIRFIELD )

Thomas FitzGerald, being duly sworn, deposes and says that he is the Chief Executive Officer of Verde Energy USA Illinois, LLC; that he has read the foregoing Petition and the Total KWH Delivered and Sold Report and has personal knowledge of the contents thereof; and that the statements therein are true and correct to the best of his knowledge, information and belief.

Thomas FitzGerald
Chief Executive Officer
Verde Energy USA Illinois, LLC

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 29th DAY of February, 2016.

Justine M Grueb
Notary Public

Justine M. Grueb
Notary Public-Connecticut
My Commission Expires
September 30, 2020