

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

MC Squared Energy Services, LLC	)	
d/b/a mc <sup>2</sup> – Where Energy Comes From	)	
	)	Docket No. 16-_____
Emergency Petition for Confidential	)	
Treatment of 2016 Annual Part 451	)	
Annual ARES Report	)	

**VERIFIED PETITION FOR CONFIDENTIAL TREATMENT**

MC Squared Energy Services, LLC, d/b/a mc<sup>2</sup> – Where Energy Comes From (“mc<sup>2</sup>”), hereby petitions the Illinois Commerce Commission (“Commission”) to protect the confidential information in a filing required by 83 Ill. Admin. Code Part 451 (“Annual ARES Report”) for not less than two years. In support of its request, mc<sup>2</sup> states as follows:

1. mc<sup>2</sup> is an alternative retail electric supplier (“ARES”), certified pursuant to Section 16-115 of the Public Utilities Act. mc<sup>2</sup>’s ARES certificate was granted in ICC Docket No. 09-0059.

2. As a licensed ARES, mc<sup>2</sup> has certain ongoing reporting obligations, including an annual ARES report pursuant to 83 Ill. Admin. Code Part 451. This Annual ARES Report is next due on April 30, 2016.

3. The Annual ARES Report requires mc<sup>2</sup> to disclose highly confidential and competitively sensitive information, including confidential financial information and good-faith estimates of load volumes served under Rider SBO. (*See, e.g.*, 83 Ill. Admin. Code §§ 451.740(d) (SBO estimate), 451.320 (confidential financial information).)

4. In order to avoid harm to mc<sup>2</sup> and the marketplace, it is critical that this information be kept confidential for a period no less than two years. None of the information for which mc<sup>2</sup> seeks protection is publicly available.

5. The Public Utilities Act specifically states that certain information required for disclosure in the Annual ARES Report is confidential, including:

a good faith estimate of the amount an alternative retail electric supplier expects to be obliged to pay the utility under single billing tariffs during the next 12 months and the amount of any bond or letter of credit used to demonstrate an alternative retail electric supplier's credit worthiness to provide single billing services pursuant to 83 Ill. Adm. Code 451.510(a) and (b).

(220 ILCS 5/16-115(g)(3).)

6. Pursuant to Section 4-404 of the Public Utilities Act, “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.) The Commission’s Rules of Practice further dictate 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.

(83 Ill. Admin. Code § 451.60.)

7. The section of the Commission’s Rules of Practice referenced above, § 200.430, states in part that:

At 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(a).)

8. mc<sup>2</sup> has met the criteria for issuing a protective order pursuant to § 200.430 of the Commission’s Rules of Practice: (1) mc<sup>2</sup> has proposed an expiration date of not less than two years, (2) mc<sup>2</sup> will mark the information it seeks to keep confidential as such, and (3) mc<sup>2</sup> will submit a public redacted version of the confidential documentation. (See 83 Ill. Admin. Code § 200.430(b)-(d).)

9. To the extent that additional findings are necessary, mc<sup>2</sup> respectfully requests that the Commission find that the confidential and proprietary information for which mc<sup>2</sup> seeks protection in this Petition is similarly protected from disclosure under the Illinois Freedom of Information Act. (*See* 5 ILCS 140/7(g) (setting out exceptions to FOIA disclosure, including: “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.”))

10. mc<sup>2</sup> seeks an Order from the Commission, without hearing, protecting confidential information from mc<sup>2</sup>'s 2016 Annual ARES Report from disclosure, for a period of not less than two (2) years from the date of the Final Order in the present docket.

11. Because § 200.430 of the Commission's Rules of Practice limit the time that the Commission may protect confidential information, including beyond five years upon a showing of good cause, mc<sup>2</sup> reserves its rights to petition for additional extensions of protection of mc<sup>2</sup>'s confidential information pursuant to the Commission's Rules.

WHEREFORE, MC Squared Energy Services, LLC d/b/a mc<sup>2</sup> – 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 ARES Report that was filed with the Chief Clerk of the Commission on April 20, 2016.

Respectfully submitted,

April 20, 2016

MC Squared Energy Services, LLC  
d/b/a mc<sup>2</sup> – Where Energy Comes From

By: /s/ Michael R. Strong  
One of its Attorneys

Michael R. Strong  
Strong Legal & Regulatory Solutions, LLC  
10 W. 35th Street, 16th Floor  
Chicago, IL 60616  
(773) 401-8739  
Michael@Strong-Legal.com

STATE OF ILLINOIS     )  
  )  
COUNTY OF LAKE        )

**VERIFICATION**

Michael Strong, being first duly sworn, on oath deposes that he is outside counsel for MC Squared Energy Services, LLC d/b/a mc<sup>2</sup> – Where Energy Comes From, that the above Verified Petition for Confidential Treatment was prepared by him or under his direction, he knows the contents thereof, and that the same is true and correct to the best of his knowledge, information, and belief.

  
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Michael R. Strong

Subscribed and sworn to me  
This 20 day of April, 2016

  
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