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U.S. Gas & Electric, Inc. :
d/b/a Illinois Gas & Electric :

Docket No. 16-0201

Application for Certificate of Service: :
Authority under Section 19-110 of the :
Public Utilities Act :

MOTION FOR CONFIDENTIAL TREATMENT

NOW COMES U.S. Gas & Electric, Inc. d/b/a Illinois Gas & Electric ("Petitioner" or "ILG&E") and hereby submits the instant Motion to the Illinois Commerce Commission ("Commission" or "ICC") for relief to protect Petitioner's Consolidated Financial Statement for the Year Ended December 31, 2015 ("Financial Statement"), Organizational Chart, Permit Bond, Technical and Managerial Qualifications and Formal Complaints (collectively, "Confidential Items") from disclosure for not less than two years. Each of the aforementioned Confidential Items are included as attachments to the Petitioner's Application for Certificate of Service Authority under Section 19-110 of the Public Utilities Act ("Application"), which is simultaneously being submitted with the instant Motion. Specifically, the Flow Chart is included as Attachment A, the copy of the Permit Bond is included as Attachment 3, the 2015 Financial Statement is included as Attachment 4 to the Application, Technical and Managerial Qualifications are included as Attachments 5 and 6 to the Application, respectively, and Formal Complaints are included as Attachment 8 of the Application. The purpose of the instant request is to protect proprietary and confidential information included in the Confidential Items. The disclosure of such information to competitors would be detrimental to Petitioner. In support of the instant Motion, Petitioner respectfully submits the following:

Petitioner is applying with the Commission to become an alternative gas supplier ("AGS").

Statutory law, ICC regulations, and Commission precedent support the Petitioner's request for confidential treatment of its Confidential Items. First, the Public Utilities Act requires the Commission to protect confidential and proprietary information submitted by regulated entities.¹ Second, the Commission's Rules of Practice similarly provide for protection of "confidential, proprietary or trade secrets nature of any data, information or studies."² Third, the Illinois Freedom of Information Act ("Illinois FOIA") provides for protection of confidential or proprietary information. Specifically, Section 7(g) of the Illinois FOIA exempts, "financial information

¹ 220 ILCS 5/4-404 ("The Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person corporation or other entity.")

² 83 Ill. Admin Code 200.430(a). ARES regulations further identify the same categories of information for protection. See 83 Ill. Admin. Code 451.60.

obtained from a person or business where . . . disclosure of the . . . information may cause competitive harm.”³ The Financial Statement and Confidential Items submitted as part of the Petitioner’s Application, which is the subject matter of this Motion, falls within this exemption. Fourth, on numerous occasions, the Commission has granted similar requests for two years of confidential treatment of financial information from other entities that are subject to the Commission’s jurisdiction.⁴

Whereas other AGS have requested confidential treatment of sensitive proprietary information for periods of time as long as five years, or requested confidential treatment of their entire Application, Petitioner here only requests that the information contained in its Confidential Items be protected from disclosure to the public for two years. Public disclosure of the Petitioner’s Confidential Items would be detrimental to Petitioner, and is not necessary. The retail natural gas industry is highly competitive in the Illinois marketplace. The Petitioner fears that any disclosure of the competitively sensitive information contained in the Financial Statements, or sensitive information contained in the Confidential Items, would be used by its competitors in a manner that would be detrimental to the Petitioner. For example, the disclosure of Petitioner’s information contained in the Confidential Items could be used by Petitioner’s competitors to make informed estimates about the Petitioner’s finances. Disclosure of the confidential information contained in the Petitioner’s Financial Statements will give an unfair advantage to the competitors of the Petitioner and would substantially harm Petitioner’s business operations. Similarly, disclosure of the information contained in the Petitioner’s Confidential Items to the general public would be harmful to Petitioner, as the Confidential Items contains sensitive information about Petitioner and its affiliate companies.

³ 5 ILCS 140/7(g).

⁴ See *Interstate Gas Supply of Illinois, Inc.; Petition for Emergency Relief to Protect Portions of IGS’ Report of Continued Compliance as an Alternative Gas Supplier*, Docket No. 11-0086 (March 9, 2011) (holding that Petitioner’s “request for two years of confidential treatment is also consistent with what it received for its prior Compliance Report . . . as well as what other [alternative gas suppliers] have received for their Compliance Reports.”); see also *Dollar Phone Enterprises Inc. d/b/a DPE; Application for a Certificate of Prepaid Calling Service Provider Authority in the Entire State of Illinois*, Docket No. 08-0471 (October 8, 2008) (granting Petitioner’s request that its Financial Statements be exempt from public disclosure for a period of five years).

WHEREFORE, the Petitioner respectfully requests the Commission enter an Order, without hearing, protecting from disclosure in its entirety the Confidential Items of U.S. Gas & Electric, Inc. d/b/a Illinois Gas & Electric for a period of not less than two years.

Respectfully submitted,



Kevin McMinn
Chief Operating Officer
U.S. Gas & Electric, Inc.
d/b/a Illinois Gas & Electric
3700 Lakeside Drive, 6th Floor
Miramar, Florida 33027
305-947-7880
MMann@ILGandE.com

Dated: April 21, 2016

STATE OF FLORIDA :
 :
COUNTY OF BROWARD :

VERIFICATION

I, Kevin McMinn, first being duly sworn upon oath depose that I have read the above and foregoing Motion for Confidential Treatment by me subscribed and know the contents thereof; that said contents are true in substance and in face, except as to those matters stated upon information and belief, and as to those, I believe same to be true.


Kevin McMinn
Chief Operating Officer

Subscribed and sworn to before me this 21st day of April, 2016.


Notary Public

