

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

MC Squared Energy Services, LLC d/b/a :
mc²-Where Energy Comes From :
: **16-0206**
Emergency Petition for Confidential ;
Treatment of 2015 Net Metering Report :
pursuant to 83 Ill. Admin. Code § 465.40. :

ORDER

By the Commission:

On March 25, 2016, MC Squared Energy Services, LLC d/b/a mc²-Where Energy Comes From (“Petitioner”) filed a verified petition with the Illinois Commerce Commission (“Commission”) seeking entry of an order affording proprietary treatment to portions of its 2015 Net Metering Report, which the Petitioner is required to file due to its being certified in the State of Illinois as an Alternative Retail Electric Supplier (“ARES”). Petitioner seeks to have this report kept confidential for a period of not less than two years. The Commission notes that the Petitioner was certificated by the Commission as an ARES on March 11, 2009 in Docket No. 09-0059, and as such is required to file annually a Net Metering Report pursuant to 83 Ill. Adm. Code 465.40. Petitioner indicates that the information included in this report is highly proprietary and confidential commercial and financial information, the disclosure of which to competitors would likely be detrimental to Petitioner given the highly competitive nature of the retail electric service industry.

In support of its request for confidential treatment, Petitioner cites the Illinois Freedom of Information Act, 5 ILCS 140/7. Petitioner further cites 83 Ill. Adm. Code 451.60, which provides:

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. The applicant or ARES shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission. The applicant or ARES is required to explain why that information is entitled to that protection in a supporting document pursuant to Section 451.30(d)(1).

The Administrative Law Judge waived hearing in this matter. Staff did not participate, nor were any petitions to intervene filed.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over Petitioner and the subject matter of this petition;
- (2) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;

- (4) 83 Ill. Adm. Code 451.60, which provides, in pertinent part:

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;

- (5) Section 7(g) of the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., exempts from 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, and only insofar as the claim directly applies to the records requested;

- (6) as stated in the verified petition, Petitioner's 2015 Net Metering Report, filed pursuant to 83 Ill. Adm. Code 465.40, falls within the exemption stated in Finding (5); and
- (7) the 2015 Net Metering Report filed March 25, 2016 by the Petitioner should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Act for a period of two years from the date of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2015 Net Metering Report filed by MC Squared Energy Services, LLC d/b/a mc²-Where Energy Comes From is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of two years from the date of this Order.

IT IS FURTHER ORDERED that the Commission retains jurisdiction over Petitioner and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 26th day of April, 2016.

(SIGNED) BRIEN SHEAHAN

Chairman