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ILLINOIS COMMERCE COMMISSION**

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ORIGINAL

**Champion Energy, LLC §
§
Petition for Relief to Protect a Portion of §
Petitioner's Reports Required under 83 §
Ill. Adm. Code Parts 451 and 551 to §
Protect Highly Confidential and §
Proprietary Information §**

Docket No 16- 0294

**PETITION FOR RELIEF TO PROTECT A PORTION OF PETITIONER'S
REPORTS REQUIRED UNDER 83 ILL. ADM. CODE PARTS 451 AND
551 TO PROTECT HIGHLY CONFIDENTIAL
AND PROPRIETARY INFORMATION**

Champion Energy, LLC ("Champion") requests that the Illinois Commerce Commission ("Commission") grant protection for certain financial information it is required to disclose under Title 83, Parts 451 and 551 of the Illinois Administrative Code in order to protect highly confidential and proprietary information ("Confidential Information"). Specifically, Champion is requesting protection for:

- Sensitive commercial and financial information contained in its schedules showing the amount to be remitted to utilities under single-billing services and the amount of credit available to Champion through letters of credit ("Single-Billing Services Documentation");
- Sensitive commercial and financial information contained in copies of its updated letters of credit ("Letters of Credit"); and
- Sensitive commercial and financial information contained in the form setting forth Champion's 2015 revenues ("2015 Revenues").

In support of this Petition, Champion states as follows:

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I. Background

1. Champion is certified as an alternative retail electric supplier (“ARES”) in the State of Illinois. The Commission granted Champion a certificate of service authority as an ARES on January 17, 2007, in Docket No. 06-0720, and amended that certification on May 5, 2010, in Docket No. 10-0168. Champion is required, pursuant to 83 Ill. Adm. Code 451.740, to provide to the Commission certain information showing it continues to comply with the financial integrity requirements to maintain an ARES certificate.

2. Champion is also certified as an alternative gas supplier (“AGS”) in the State of Illinois. On April 4, 2012, the Commission granted Champion a certificate to provide services as an AGS in Docket 12-0120. Champion is required, pursuant to 83 Ill. Adm. Code 551.140, to provide to the Commission certain information showing it continues to comply with the financial integrity requirements to maintain an AGS certificate.

3. On May 2, 2016, Champion intends to submit (via Federal Express overnight delivery) a copy of its Single-Billing Services Documentation, Letters of Credit, and 2015 Revenues.

4. Champion designates portions of its Single-Billing Services Documentation, Letters of Credit, and 2015 Revenues as confidential and proprietary pursuant to 83 Ill. Adm. Code 451.60 and 551.60. Accordingly, Champion is submitting appropriately marked public and confidential versions of the Single-Billing Services Documentation, Letters of Credit, and 2015 Revenues in accordance with 83 Ill. Adm. Code 200.430(d).

II. Applicable Law

5. Section 4-404 of PUA provides that the “Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity[.]” An ARES or AGS that believes any of the information to

be submitted to the Commission is privileged or confidential is instructed by the Commission's rules to "request that the Commission enter an order to protect the confidential, proprietary or trade secret nature [the information]." 83 Ill. Adm. Code 451.60 & 551.60.

6. Similarly, Section 7(g) of the Illinois FOIA exempts from public disclosure "trade secrets and commercial or financial information . . . 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" 5 ILCS 140/7(1)(g).

III. Analysis

7. The Single-Billing Services Documentation, Letters of Credit, and 2015 Revenues fall within this exemption and should be afforded confidential treatment pursuant to both PUA and the Illinois FOIA.

8. Champion is a subsidiary of Calpine Corporation and its revenues are not widely available or known outside the company and would be of considerable value to competitors or potential competitors, to the detriment of Champion. For example, this information could be used to gauge Champion's competitive presence and develop marketing strategies accordingly.

9. Likewise, the Single-Billing Services Documentation and accompanying Letters of Credit are not widely available or known outside the company and would be of considerable value to competitors or potential competitors, to the detriment of Champion and its parent. For example, this information could be used to gauge Champion's annual sales, financial integrity, and available credit, and develop marketing strategies accordingly.

10. The electric industry is highly competitive and the Commission has previously afforded proprietary and confidential treatment to both Single-Billing Services Documentation, *e.g., Champion Energy, LLC's Petition for Relief to Protect a Portion of Petition's Reports*

Required under 83 Ill. Adm. Codes Parts 451 and 551 to Protect Highly Confidential and Proprietary Information and Motion to Appear Pro Hac Vice, Docket No. 13-0323, Order (Jun. 5, 2013), *Letters of Credit, Champion Energy, LLC's Application for Certificate of Service Authority under Section 16-115 of the Public Utilities Act*, Docket No. 10-0168, Order (May 5, 2010), and *Financial Statements (containing information analogous to 2015 Revenues), e.g., Ambit Northeast, LLC's Application for Certificate of Service Authority under Section 16-115 of the Public Utilities Act*, Docket 11-0112, Order (Mar. 23, 2011). *See also Petition for Relief to protect a portion of Petitioner's Reports Required under 83 Ill. Adm. Code Parts 451 and 551 to Protect Highly Confidential and Proprietary Information for Not Less Than Two Years*, Docket No. 14-0361, Order (Jun. 17, 2014) (protecting Champion's information).

IV. Prayer

Champion respectfully requests that the Commission enter an order, without hearing, protecting from public disclosure the Confidential Information submitted to the Commission in this proceeding.

Respectfully submitted,



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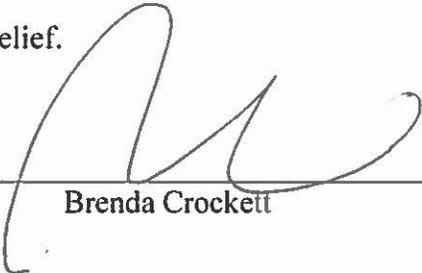
Attorney for Champion Energy, LLC

Dated: May 2, 2016

VERIFICATION

STATE OF TEXAS)
)
COUNTY OF HARRIS)

I, Brenda Crockett, being first duly sworn upon my oath, depose and state that I am Vice President - Market Development and Regulatory Affairs for Champion Energy, LLC; that I have reviewed the confidential and proprietary information described in the foregoing Petition; that I have read the above and foregoing Petition for Relief; and that said contents are true, correct and complete to the best of my knowledge, information and belief.



Brenda Crockett

Subscribed and sworn to before me this 29 day of April, 2015.



Notary Public

