

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Interstate Gas Supply, Inc. d/b/a IGS Energy :
: **16-0237**
Petition for Relief to Protect Portions of :
Interstate Gas Supply, Inc.'s 2015 Annual :
Net Metering Report From Public Disclosure. :

ORDER

By the Commission:

On April 1, 2016, Interstate Gas Supply, Inc. d/b/a IGS Energy ("Petitioner") filed a verified petition with the Illinois Commerce Commission ("Commission") requesting an order protecting attachments to a report required by the Public Utilities Act ("Act") 220 ILCS 5/1-101 et seq. Specifically, subsection (k) of Section 16-107.5 of the Act and Section 465.40 of 83 Ill. Adm. Code 465, Net Metering ("Part 465"), require each electricity provider to report by April 1 of each year the total peak demand supplied by the electricity provider during the previous year; the total generating capacity of its net metering customers; whether the electricity provider intends to limit total generating capacity of its net metering customers to 1%; the electricity provider's total number of net metering customers; and the type, capacity, and energy sources of the generating systems used by the net metering customers. Petitioner is certified as an alternative retail electric supplier ("ARES") pursuant to Section 16-115 and is required to submit an Annual Net Metering Report ("Net Metering Report"). Petitioner seeks confidential treatment of the portion of its 2015 Net Metering Report reflecting the net metering customer count and related sensitive items.

Commission Staff did not participate in this docket. No petitions to intervene were received. No hearing was held in this matter.

Petitioner relies on Section 451.60 of the Commission's Certification of Alternative Retail Electric Suppliers, 83 Ill. Adm. Code 451.10 et seq., Section 7(g) of the Illinois Freedom of Information Act ("FOIA"), 5 ILCS 140/1 et seq., and Section 200.430(a) of the Commission's Rules of Practice, 83 Ill. Adm. Code 200.10 et seq., in requesting a Commission Order to protect its confidential information.

Petitioner asserts the information contained in the Net Metering Report is proprietary and confidential. It states that the Illinois retail electricity market is highly competitive. Petitioner says disclosure of the information could inform competitors where Petitioner is most active and where it may be concentrating its marketing efforts. Petitioner states that disclosure of its market share would allow competitors to adjust their marketing strategies to respond to competition from Petitioner. It asserts that disclosure of this information would result in competitive harm to it. Petitioner requests the information be protected from public disclosure for two years.

The Commission has considered Petitioner's explanation of why confidential treatment of the 2015 Net Metering Report is appropriate. The Commission finds that Petitioner has raised valid concerns about the harm that public disclosure of the information may bring. The Commission, therefore, finds that the information in the Net Metering Report will be afforded confidential treatment and will be exempt from public disclosure and accessible only by the Commission and the Commission Staff. With regard to the duration of the confidential treatment, the Commission finds a two-year period reasonable and consistent with past practice and Section 200.430(b) of Part 200. Protection from disclosure for two years is sufficient to protect Petitioner's interests.

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

- (1) Petitioner, Interstate Gas Supply, Inc. d/b/a IGS Energy, is certified as an ARES;
- (2) the Commission has jurisdiction over Petitioner and the subject matter herein;
- (3) 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;
- (4) 83 Ill. Adm. Code 451.60 provides, in relevant 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(1)(g) of the FOIA exempts the following 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, and only insofar as the claim directly applies to the records requested;
- (6) as discussed above, the 2015 Net Metering Report contains commercially sensitive business and financial information which falls within the exemption identified in Finding (5); and
- (7) an unredacted version of Petitioner's 2015 Net Metering Report should be exempt from public disclosure under Section 7(1)(g) of the FOIA until August 24, 2018.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the information specified in Finding (6) above is afforded confidential treatment, is exempt

from public disclosure, and will be accessible only by the Commission and the Commission Staff until August 24, 2018.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over Interstate Gas Supply, Inc. d/b/a IGS Energy and of the subject matter hereof for the purpose of issuing such further orders as the Commission 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 24th day of August, 2016.

(SIGNED) BRIEN SHEAHAN

Chairman