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

ILLINOIS COMMERCE COMMISSION  
CHIEF CLERK'S OFFICE

Docket No 16-

16-0444

**PETITION FOR RELIEF TO PROTECT A PORTION OF PETITIONER'S  
FINANCIAL INFORMATION REQUIRED UNDER 83 ILL. ADM. CODE  
PART 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, Part 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 Champion's license or permit bond and payment bond and related documentation.

In support of this Petition, Champion states as follows:

**I. Background**

1. Champion is 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.

2. On May 2, 2016, Champion filed its continuing compliance annual report as required by 83 Ill. Admin. Code §§ 551.120–551.170. On July 18, 2016, Commission staff notified Champion that financial information provided within the annual report was deficient.

3. On September 16, 2016, Champion intends to submit (via Federal Express overnight delivery) its updated permit bond and payment bond with supporting documentation.

4. Champion designates portions of its permit bond and payment bond and supporting documentation as confidential and proprietary pursuant to 83 Ill. Adm. Code 551.60. Accordingly, Champion is submitting appropriately marked public and confidential versions of these documents 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 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 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 permit bond and payment bond and supporting documentation fall within this exemption and should be afforded confidential treatment pursuant to both PUA and the Illinois FOIA.

8. This confidential information is not widely available or known outside of Champion and would be of considerable value to competitors or potential competitors of Champion to the serious detriment of Champion.

9. Likewise, the documentation demonstrating that Champion maintains sufficient financial resources to continue providing AGS services is 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 financial 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), *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), *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* *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. 16-0294, Order (Jun. 1, 2016) and *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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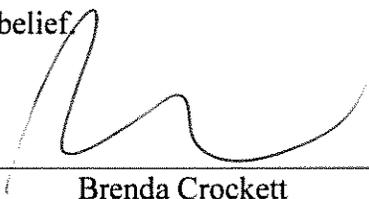
*Attorney for Champion Energy, LLC*

Dated: September 14, 2016

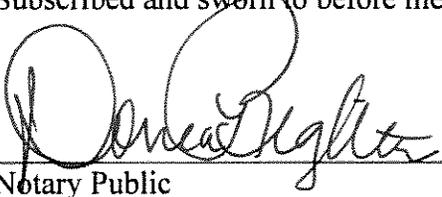
**VERIFICATION**

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 14th day of September, 2016.

  
\_\_\_\_\_  
Notary Public

