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ILLINOIS COMMERCE COMMISSION

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BEFORE THE

ILLINOIS COMMERCE COMMISSION

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ILLINOIS COMMERCE COMMISSION
CHIEF CLERK'S OFFICE

In the Matter of Application of Clearview)
Electric, Inc. d/b/a Clearview Energy)
For Confidential Treatment of Part 451)
Continuing Compliance Report)

Order No.
Supplemental Documents
October 6, 2016

16-0475

**MOTION OF CLEARVIEW ELECTRIC, INC. FOR PROTECTIVE ORDER
TO PROTECT CONFIDENTIAL & PROPRIETARY INFORMATION**

I. INTRODUCTION

Clearview Electric, Inc. d/b/a Clearview Energy ("Clearview") is certified by the Illinois Commerce Commission as an Alternative Retail Electric Supplier (ARES). In this motion for protective order, Clearview respectfully requests the Commission grant exemption from public disclosure pursuant to Sections 451.740(a), 451.740(e), and 451.740(j) of Title 83 of the Illinois Administrative Code. This confidential and proprietary information which includes proof of financial stability, by providing proof of the financial agreement with a third party is being provided as required for its Part 451 Continuing Compliance Report. Section 451.740(b) contains highly sensitive financial agreements.

This protective order is requested to be in place for at least a period of five (5) years, to protect the confidential and proprietary business and financial information contained in Clearview's Compliance Report in accordance with 83 Ill. Adm. Code 200.430.

Clearview is a privately held company and this information would not otherwise be made public. Making such information public before the minimum five year period would hurt Clearview competitively in the retail energy market as confidential information would be made public to customers and competition. A redacted version of the financial agreement has been provided.

II. LEGAL STANDARD

The Commission may exempt confidential information from public disclosure through an appropriate representative to issue an order protecting certain proprietary information. 83 Ill. Admin. Code 451.60 states in part that:

“If an ARES... believes any of the information to be disclosed by...ARES ...is privileged or confidential, the...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 III. Admin. Code 200.430”

Titles 83 of the Illinois Administrative Code section 200.430 states in part that:

“A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary or trade secrets nature of that document and a ruling on that motion by the Commission or the Hearing Examiner.”

Clearview, believes in good faith that its financial information constitutes “Confidential Information” as defined under title 83 of the Code Rules 451.60 and 551.60

Furthermore, Section 7(g)of the Illinois Freedom of Information Act exempts from public disclosure “trade secrets and commercial or financial information ... where the trade secrets or information are proprietary, privileged or confidential.” 5 ILCS 140/(g). The business and financial information contained in the Compliance Reports falls within this exemption as this information is not released to the public in any other forum or to any other agency without an accompanying request for confidential treatment.

III. THE MATERIALS ARE PROPRIETARY AND CONFIDENTIAL AND WARRANT PROTECTION FROM DISCLOSURE.

The financial agreement for Clearview constitutes confidential information that should be protected from public disclosure. The financial agreement of with a third party should be protected from public. The disclosure of this information to the public would give undue advantage to competitors of Clearview and discourage companies from entering into private agreements where the terms can be disclosed to the public so freely; conversely, the protection of this information will help safeguard the competitiveness of the retail energy market. This kind of competitively sensitive information is routinely protected from public disclosure pursuant to 83 III. Admin. Code 200.430, and this information should be protected here.

There would be no harm to the public if information subject to this motion for protective order is protected. In fact, protecting this information will be beneficial to the current and future customers of Clearview, who continue to benefit from Clearview’s ability to obtain a positive position in the competitive energy market.

To the best of the moving party’s knowledge, information, and belief, the information subject to this motion for protective order is not available in the public domain.

The Commission has authority under Section 200.430 to protect confidential business information and confidential treatment of Clearview's financial information submitted in support of this motion.

IV. CONCLUSION

For the reasons stated above, Clearview requests that the Commission protect from public disclosure the business and financial information contained in the Compliance Report. This protective order is requested to be in place for a period of five (5) years.

Respectfully submitted,



Francis X. McGovern, President
Clearview Electric, Inc.

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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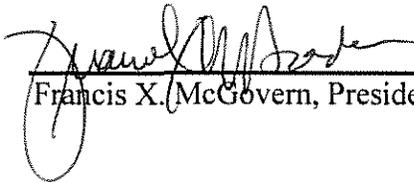
State of Texas)
) S.S. City of Dallas Docket No.
County of Dallas) Supplemental Documents

The undersigned, under oath, deposes and states as follows:

1. My name is Francis X. McGovern. I am an executive officer of Clearview Electric, Inc. d/b/a Clearview Energy (“Clearview”), and I submit that I am authorized to execute this Affidavit.

2. I have read Clearview’s Motion for Protective Order in connection with Clearview’s 2016 Part 451 Compliance Supplemental Documents Report.

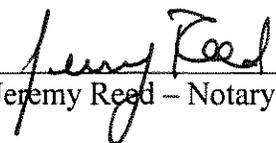
3. I have personal knowledge of the facts discussed in the above-mentioned Protective Order and Compliance Report and to the best of my knowledge, information and belief, those facts are true and correct and, if sworn as a witness, I could testify concerning them.



Francis X. McGovern, President

Subscribed and sworn before me

this 6th Day October, 2016



Jeremy Reed – Notary Public

