STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

| Direct Energy Services, LLC       | : |          |                           |                          |
| Petition for Emergency Relief to | : |          |                           | 07-0085                  |
| Protect Portions of Direct Energy | : |          |                           |                           |
| LLC’s Report of Continued        | : |          |                           |                           |
| Compliance as an Alternative Gas | : |          |                           |                           |
| Supplier.                        | : |          |                           |                           |

ORDER

By the Commission:

Direct Energy Services, LLC ("Applicant") holds a Certificate of Service Authority as an alternative gas supplier ("AGS") in Illinois. That certificate was issued pursuant to Section 19-110 of the Public Utilities Act, 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 551 ("Part 551").

In the instant proceeding, Applicant seeks an order, pursuant to Section 551.60 of Part 551 and Section 200.430 of the Commission’s Rules of Practice, 83 Ill. Adm. Code 200, protecting, from disclosure, certain information in its Compliance Report. This information consists of payment bond information included in Attachment A to the Compliance Report, and maximum monthly volumes of Mcf for residential and small commercial customers served by Applicant.

According to Applicant, the retail gas service industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the Compliance Report be avoided for a period of at least five (5) years because of the competitive harm which disclosure of such information likely would cause Applicant.

Section 7(1)(g) of the Illinois Freedom of Information Act, 5 ILCS 140/7(1)(g), provides for an exemption from inspection and copying of “trade secrets and commercial or financial information obtained from a person or business” where it is determined that “the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm . . . .”
The Commission finds that the subject information may reasonably be treated as proprietary and confidential and that Applicant’s request should be granted pursuant to Section 200.430 of the Commission’s Rules of Practice. A redacted discussion of the subject information is contained in the public version of the Compliance Report.

The Commission, having reviewed the entire record, is of the opinion and finds that:

1) Applicant holds a certificate as an alternative gas supplier under Section 16-115 of the Public Utilities Act;

2) except as otherwise noted, the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;

3) the subject document should be afforded proprietary treatment, subject to the conditions set forth herein.

IT IS THEREFORE ORDERED by the Commission, subject to the conditions set forth above, that the confidential portion of the Compliance Report filed by Direct Energy Services, LLC, which portion consists of payment bond information included in Attachment A to the Compliance Report, and maximum monthly volumes of Mcf for residential and small commercial customers served by Applicant, shall be protected from public disclosure, and will be accessible only to the Commission and Commission employees, for a period of five (5) years from the date of this order.

IT IS FURTHER ORDERED that the relief granted herein shall create no presumptions with respect to whether or to what extent proprietary treatment will be granted in any other dockets.

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

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities 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 30th day of January, 2008.

(SIGNED) CHARLES E. BOX

Chairman