STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

| Constellation NewEnergy, Inc. | : |
| Petition for Emergency Relief to Protect portions of NewEnergy’s Report of Continued Compliance as an Alternative Retail Electric Supplier from disclosure for not less than five years in order to protect highly confidential and proprietary information. | : |

ORDER

By the Commission:

Constellation NewEnergy, Inc. ("Applicant") holds a Certificate of Service Authority as an Alternative Retail Electric Supplier ("ARES") in Illinois. That certificate was issued pursuant to Section 16-115 of the Public Utilities Act, 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 451 ("Part 451").

In its amended petition in the instant proceeding, Applicant seeks an order, pursuant to Section 200.430 of the Commission’s Rules of Practice, 83 Ill. Adm. Code 200, and Section 451.60 of Part 451, protecting from disclosure, for a period of five years, certain documents in its Compliance Report filed in 2007. The documents for which protection is sought contain financial information relating to parental guarantees and single billing, and are identified as Exhibits B-2, B-2(a), B-3, B-3(a), B-3(b), and B-3(c).

According to Applicant, the information in question is proprietary and confidential financial information, the disclosure of which would be detrimental to Applicant because of the competitive harm such disclosure would likely cause to 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.

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

1) Applicant holds a Certificate of Service Authority as an Alternative Retail Electric Supplier under Section 16-115 of the Public Utilities Act;

1) the Commission has jurisdiction of the party and subject matter hereof;

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 documents 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 Constellation NewEnergy, Inc. pursuant to the reporting requirements of Part 451 of the Illinois Administrative Code, and consisting of proprietary versions of Exhibits B-2, B-2(a), B-3, B-3(a), B-3(b) and B-3(c), shall be afforded proprietary treatment and 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