ORDER

By the Commission:

On January 31, 2008, Direct Energy Services, LLC ("Direct") filed a petition seeking emergency relief to protect it from disclosure of information included in its report of continuing compliance (the "Compliance Report") with its certification as an Alternative Retail Electric Supplier (an "ARES").

In its petition in the instant proceeding, Direct seeks an order, pursuant to 83 Ill. Adm. Code 451.60, protecting from disclosure, for a period of five years, certain items in its Compliance Report that was filed in 2007. The documents for which confidentiality is sought include: guaranty information in Attachment A(1) to its Compliance report; the confidential credit rating report presenting the long-term credit a certain entity included in Attachment A(2) to the Compliance Report and the total kilowatt-hours sold and delivered to retail customers in Illinois in the previous calendar year.

According to Direct, the information described above is proprietary and confidential. Direct also avers that disclosure of this information would be detrimental to it because of the competitive harm such disclosure could cause. It seeks an order keeping those documents confidential for five (5) years.

Because all of the facts necessary for the Commission to grant the relief requested were contained in the petition, the Administrative Law Judge determined that no hearing was necessary.

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

(1) the Petitioner, Direct Energy Services, LLC is an alternative retail electric
the Commission has subject-matter jurisdiction and jurisdiction over the Petitioner;

(3) the recitals of fact set forth in the prefatory portion of this Order are supported by the petition and are hereby adopted as findings of fact;

(4) Section 5-109 of the Public Utilities Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;

(5) 83 Ill. Adm. Code 451.60 provides that:

If an . . . ARES believes any of the information to be disclosed by an . . . 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 Ill. Adm. Code 200.430.

(6) Section 7(g) of the Illinois Freedom of Information Act, (5 ILCS 140/7) exempts from public disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

(7) the verified petition states that the information specified above falls within the exemption stated in Findings five (5) and six (6) above;

(8) the Confidential version of the Petitioner’s 2007 Compliance Report, as well as the confidential information, as is set forth in this Order, included in Attachments A(1) and A(2) to that Report and the information establishing the total kilowatt-hours the Petitioner sold and delivered to retail customers in Illinois in 2007, should be kept confidential for five (5) years from the date of this Order.
IT IS THEREFORE ORDERED that the information set forth in Finding eight (8) above shall be afforded proprietary treatment and is exempt from public disclosure and will be accessible only to the Commission and the Commission Staff for a period of five (5) years from the date of this Order.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over Direct Energy Services, LLC, and subject-matter jurisdiction, 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 Public Utilities Act and 83 Ill. Adm. Code Section 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 12th day of March, 2008.

(SIGNED) CHARLES E. BOX

Chairman