ORDER

By the Commission:


Petitioner is certified by the Commission as an Alternative Gas Supplier (“AGS”). The petition indicates that the Petitioner’s Dekatherm Report of Continued Compliance (“Dekatherm Report”) filed on February 29, 2008 as an AGS contains confidential trade and market sensitive information regarding Petitioner’s provision of service to residential and small commercial customers in Illinois. Petitioner considers this information highly proprietary and confidential, the disclosure of which to competitors, or potential competitors, would be detrimental to Petitioner.

The petition further indicates that the report relates to Petitioner’s continuing obligation to comply with the requirements for certification pursuant to Section 19-115 of the Act and 83 Ill. Adm. Code 551 (“Part 551”).

All facts necessary for the Commission to grant the requested relief are contained in the petition; thus the Administrative Law Judge waived hearing.

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

1) Petitioner is certified by the Commission as an Alternative Gas Supplier;

2) the Commission has jurisdiction of Petitioner and the subject matter herein;

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:

Section 5-109 of the Act states, in relevant part:

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

4) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts from 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;

5) the Verified Petition states that Petitioner’s Dekatherm Report of Continued Compliance as an Alternative Gas Supplier falls within the exemption stated in Finding (4);

6) Petitioner’s Dekatherm Report of Continued Compliance filed on February 29, 2008 shall be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of five (5) years from the date of this Order; and

7) Petitioner shall submit with its Dekatherm Report of Continued Compliance filed on February 29, 2008, a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Dekatherm Report of Continued Compliance filed on February 29, 2008 as an Alternative Gas Supplier is exempted from disclosure for not less than five years and will be accessible only by the Commission and the Commission Staff for a period of five (5) years from the date of this Order.

IT IS FURTHER ORDERED that a cover letter shall be submitted with the Petitioner’s Dekatherm Report of Continued Compliance filed by the Petitioner indicating that the
proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over Petitioner and the subject matter hereof for the purpose of issuing such further order or 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 9th day of April, 2008.

(SIGNED) CHARLES E. BOX

Chairman