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September 19, 2016

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Application of Fair View Energy, Inc. for Approval to Offer to Supply Electricity or  
Electric Generation Services as a Broker/Marketer to the Public in the Commonwealth of  
Pennsylvania, Docket No. A-2016-2558553

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Dear Secretary Chiavetta:

Enclosed for electronic filing, in the above-referenced matter, please find Fair View Energy, Inc.'s Motion for a Protective Order. Copies have been served in accordance with the attached certificate of service.

Sincerely,



Karen O. Moury

KOM/jls  
Enclosure

cc: Hon. Joel H. Cheskis., Chief Administrative Law Judge w/enc.  
Certificate of Service w/enc.

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of Fair View Energy, Inc.'s Motion for Protective Order upon the person listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email and/or First Class Mail**

John Holmes, CEO  
Frontline Power Solutions  
400 Metacom Avenue  
Bristol, RI 02809  
[johnholmes@frontlinepowersolutions.com](mailto:johnholmes@frontlinepowersolutions.com)

Dated: September 19, 2016

  
\_\_\_\_\_  
Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Fair View Energy, Inc. :  
For Approval to Supply Electricity Or :  
Electric Generation Services As A : A-2016-2558553  
Broker/Marketer To The Public In The :  
Commonwealth of Pennsylvania :

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**MOTION OF FAIR VIEW ENERGY, INC.  
FOR A PROTECTIVE ORDER**

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TO THE HONORABLE ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:

Pursuant to 52 Pa. Code § 5.365, Fair View Energy, Inc. (“Fair View” or “Company”) hereby files this Motion for a Protective Order, and requests that Administrative Law Judge (“ALJ”) Joel H. Cheskis issue a Protective Order in this proceeding. In support hereof, Fair View avers as follows.

1. On July 25, 2016, Fair View filed an application for approval to supply electricity or electric generation services as a broker/marketer to the public in the Commonwealth of Pennsylvania.
2. Front Line Power Solutions LLC filed a protest to the application, to which Fair View filed an answer on August 5, 2016.
3. A hearing on the application is scheduled for September 26, 2016.
4. Consistent with a prehearing order dated September 7, 2016, Fair View filed a Prehearing Memorandum on September 19, 2016. In the Prehearing Memorandum, Fair View

noted that it would be seeking the issuance of a Protective Order to protect the confidentiality of certain information in this proceeding.

5. Under 52 Pa. Code §§ 5.362(a)(7) and 5.365, the ALJ may issue a Protective Order to limit or prohibit disclosure of confidential commercially sensitive information where the potential harm to a participant would be substantial and outweighs the public's interest in having access to the confidential information.

6. As is customary with electric generation supplier ("EGS") applications and consistent with the Commission's regulations at 52 Pa. Code § 54.32(f), Fair View submitted all of its confidential financial information separately under seal. This commercially sensitive information includes its bond, balance sheet, income statement, back account statements, 2015 tax return and tax certification statement. During the hearing, Fair View plans to offer this information for inclusion in the evidentiary record and will seek the continued proprietary treatment of this information. Specifically, Fair View will request that only Commission staff have access to the documents contained in this confidential exhibit.

7. Particularly in the context of a highly competitive industry, disclosure of Fair View's confidential financial information would subject the Company to risk of competitive disadvantage or other business injury. Limitation on the disclosure of this confidential information will not prejudice the rights of the participants, nor will such limitation frustrate the prompt and fair resolution of this proceeding. Particularly since no issues have been raised regarding Fair View's financial fitness to operate as a broker, it is appropriate to afford proprietary treatment to the commercially sensitive financial information that Fair View has supplied to the Commission as part of its application.

8. In addition, at the hearing, Fair View will seek to place information in the proprietary evidentiary record of this proceeding regarding the status of the complaint proceeding initiated by the Bureau of Investigation and Enforcement on May 25, 2016 at Docket No. C-2016-2547502. As this information relates to confidential settlement discussions, it should likewise be afforded proprietary treatment. *See* 52 Pa. Code § 5.231(d); *PA PUC v. HIKO Energy, LLC*, Docket No. C-2014-2431410 (Order entered December 3, 2015), Order at 43 (referencing the confidentiality of settlement discussions).

Respectfully submitted,



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Dated: September 19, 2016

Counsel for Fair View Energy, Inc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Fair View Energy, Inc. :  
For Approval to Supply Electricity Or :  
Electric Generation Services As A : A-2016-2558553  
Broker/Marketer To The Public In The :  
Commonwealth of Pennsylvania :

**PROTECTIVE ORDER**

Upon consideration of the Motion for Protective Order that was filed by Fair View Energy, Inc.,

**IT IS ORDERED THAT:**

1. The Motion is hereby granted with respect to all materials and information identified in Paragraph 2 below (“Proprietary Information”), which have been filed with the Pennsylvania Public Utility Commission (“Commission”) or will be presented during the above-captioned proceeding.

2. The materials subject to this Protective Order are: the bond, balance sheet, income statement, back account statements, 2015 tax return, tax certification statement and information concerning the status of the complaint proceeding initiated by the Bureau of Investigation and Enforcement on May 25, 2016 at Docket No. C-2016-2547502.

3. Proprietary Information produced in this proceeding shall be made available only to the Commission and Commission Staff. To the extent that Proprietary Information is placed in the Commission’s report folders, such information shall be handled in accordance with routine Commission procedures inasmuch as the report folders are not subject to public disclosure. To the extent that Proprietary Information is placed in the Commission’s testimony or document folders,

such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Protective Order.

4. No other persons may have access to the Proprietary Information except as authorized by order of the Commission or the presiding Administrative Law Judge.

5. Proprietary Information shall not be used except as necessary for the conduct of this proceeding.

6. Any public reference to the Proprietary Information shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to understand fully the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

7. Any part of the record in this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination and argument, and including reference thereto, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Protective Order, either through Fair View's agreement or pursuant to an order of the Commission.

Dated: \_\_\_\_\_

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Joel H. Cheskis, Administrative Law Judge