

BEFORE

THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

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SECRETARY'S BUREAU

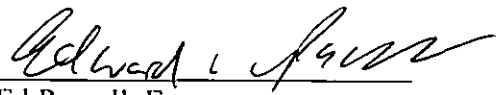
In the Matter of the Application of )  
Diversegy, LLC for ) Docket No.  
Certification as an Electricity )  
Broker/Marketer in the )  
Commonwealth of Pennsylvania. )

MOTION FOR PROTECTIVE ORDER

Applicant, Diversegy, LLC (hereinafter, "Diversegy" or "Applicant") moves pursuant to Pa. Code § 54.32 (c)(f), for the entry of a Protective Order to designate as confidential its responses to question 7(b) [attached Exhibit 7(b)], and question 8(a) [attached Exhibit 8(a)] in the Commission's Certification Application for Electric Generation Supplier Application Package. These questions seek information, data and records which Diversegy considers confidential and proprietary trade secrets, and which are maintained as confidential by the Company. Public disclosure of this information could be potentially harmful to applicant's competitive position as a broker of electricity.

Diversegy asks further that its responses to any subsequent requests for additional information or clarification which staff might make with regard to these same requests also be permitted to be filed under seal, pursuant to the same Protective Order requested herein. The grounds supporting this Motion are fully explained in the subsequent Memorandum of Support.

Respectfully Submitted,

  
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o/b/o Diversegy, LLC

MEMORANDUM IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER

Diversegy, LLC is a Texas Limited Liability Company, registered as a Foreign For Profit Limited Liability Company (§8981) on February 4, 2013 by filing with the Pennsylvania Secretary of State.

Questions 7(b) states, "Applicant must provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided." Examples of such information which may be submitted include the following: - Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies. - Published Applicant or parent company financial and credit information (i.e. 10Q or 10K). (SEC/EDGAR web addresses are sufficient) - Applicant's accounting statements, including balance sheet and income statements for the past two years. - Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form, evidence of Moody's, S&P, or Fitch ratings, and/or other independent financial service reports. - A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee. - Audited financial statements exhibiting accounts over a minimum two year period. - Bank account statement, tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness."

Question 8(a) requests "**EXPERIENCE, PLAN, STRUCTURE:** such information may include: - Applicant's previous experience in the electricity industry. - Summary and proof of licenses as a supplier of electric services in other states or jurisdictions. - Type of customers and number of customers Applicant currently serves in other jurisdictions. - Staffing structure and numbers as well as employee training commitments. - Business plans for operations within the Commonwealth. - Documentation of membership in PJM, ECAR, MAAC, other regional reliability councils, or any other membership or certification that is deemed appropriate to justify competency to operate as an EGS within the Commonwealth. - Any other information appropriate to ensure the technical capabilities of the Applicant."

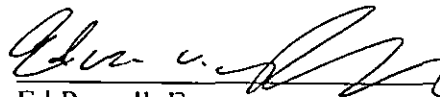
Question 8(b) requests information regarding the officers of the Applicant and their professional resumes.

Applicant gladly provides this information to the Commission, but asks that it be subject to Protective Order due to the confidential, proprietary nature of this information and because public disclosure might be injurious to the Company's competitive position. It is submitted that this is private information, in that applicant is a limited liability company engaged solely in consultation relating to energy management and the marketing of electricity arrangements for its customers and does not make public disclosure of the requested information through SEC filings or otherwise. As such, and given the intense competition in the EGS arena, this information is a legitimate trade secret, access to which could negatively affect applicant's competitive position.

This request for a Protective Order is reasonable, necessary and will not prejudice any other party or individual. In fact, to the extent Diversegy's ability to compete effectively is preserved, Pennsylvania consumers will be better served. Fair competition is the philosophical basis for the EGS statute and implementing regulations.

For the foregoing reasons, applicant respectfully requests that a Protective Order be issued which permits it to file its responses to the identified EGS Broker Application Questions (7a, 8a, 8b and corresponding exhibits) under seal and requires those with access to those responses to treat them in a confidential manner. All such responses shall be clearly and conspicuously marked CONFIDENTIAL.

Respectfully Submitted,



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