

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**PETITION OF SOUTHERN INDIANA GAS AND)
ELECTRIC COMPANY d/b/a VECTREN ENERGY)
DELIVERY OF INDIANA, INC. FOR APPROVAL OF)
CLEAN ENERGY SOLAR PROJECTS; DECLINATION)
OF JURISDICTION WITH RESPECT TO)
CONSTRUCTION OF THE PROJECTS PURSUANT TO)
IND. CODE § 8-1-2.5; AND ACCOUNTING AND) **CAUSE NO. 44909**
RATEMAKING TREATMENT, INCLUDING TIMELY)
RECOVERY OF COSTS INCURRED DURING)
CONSTRUCTION AND OPERATION THROUGH A)
CLEAN ENERGY COST ADJUSTMENT PURSUANT)
TO IND. CODE § 8-1-8.8)**

**PETITIONER’S MOTION FOR PROTECTION AND NONDISCLOSURE OF
CONFIDENTIAL AND PROPRIETARY INFORMATION**

Petitioner, Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana, Inc. (“Vectren South”), pursuant to 170 IAC 1-1.1-4, Ind. Code § 8-1-2-29, moves the Indiana Utility Regulatory Commission (“Commission”) to enter a protective order prohibiting dissemination outside of the Commission and adopting safeguards for the handling of the certain documents and information (collectively, the “Confidential Information”). The Confidential Information is comprised of confidential, proprietary, competitively sensitive, trade secret information; therefore, the information should be excepted from the access to public records provisions contained in Ind. Code §§5-14-3-3, 5-14-3.5 and 8-1-2-29. In support of this motion, Vectren South represents the following:

1. On February 22, 2017, Vectren South filed a Verified Petition, docketed as Cause No. 44909, for approval of its solar projects pursuant to Ind. Code § 8-1-2.5.
2. Vectren South proposes to include the Confidential Information in its direct testimony filed in this Cause on February 22, 2017. The Confidential Information may also be used as part of

rebuttal testimony, in discovery, at the evidentiary hearing and/or discussed in the post-hearing pleadings to be made in this Cause. A Commission protective order will allow Petitioner to safely submit the Confidential Information to the Commission.

3. Public disclosure of the Confidential Information could harm Vectren South and its customers, as the Confidential Information includes detailed work cost estimates for the prospective solar projects and information containing various bidder responses to various requests for proposals and other exchanges of information used to formulate contracts for the solar projects. This information is of economic value to vendors and competitors who may negotiate with Vectren South in the future, thus putting Vectren South and its customers at an economic disadvantage.

4. As explained in the affidavit of Wayne D. Games, attached hereto as Attachment A the Confidential Information (i) is such that it may derive actual and potential independent economic value from being neither generally known to, nor readily ascertainable by proper means by, other persons who could obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Such information is competitively sensitive and a trade secret because competitors may use such data to gain a competitive advantage over Vectren South.

5. Vectren South has taken reasonable precautions to protect against the public disclosure of the Confidential Information, including, but not limited to, the use of limited electronic access to the Confidential Information and only releasing such information externally subject to appropriate confidentiality protections.

6. In accordance with Indiana Code § 24-2-3-2, the Confidential Information has been the subject of reasonable efforts to maintain its secrecy.

7. Vectren South requests that the Commission make a preliminary determination of confidentiality based upon this motion and permit Vectren South to electronically file the Confidential Information as confidential documents in the Commission's electronic filing system or, in the alternative, to submit a single copy of the Confidential Information to the presiding Administrative Law Judge, contained in a sealed envelope, designating the contents to be confidential and proprietary materials pursuant to the preliminary order of confidentiality.

8. Upon a preliminary determination that the Confidential Information is confidential, Vectren South proposes that the Commission adopt procedures such as the following to assure the Confidential Information will be protected from public disclosure or access, which Vectren South believes to be consistent with procedures followed by the Commission in similar situations:

- a. That the Confidential Information will be made available solely for inspection by designated employees of the Commission and its staff for the purposes of their examination and analysis in this proceeding.
- b. That the Confidential Information will be specifically filed with, secured by and under the control of a person who will ensure its confidentiality.
- c. That the Commission staff members receiving access to the Confidential Information be obligated to secure and maintain exclusive control thereof; to refrain from directly or indirectly allowing public disclosure of the Confidential Information; to refrain from the copying or reproducing of the Confidential Information and to refrain from disclosing the Confidential Information in any documents, materials or reports prepared by the Commission staff.

9. Vectren South will provide the Confidential Information to counsel for the Office of

Utility Consumer Counselor and any other non-competitive intervenors in this Cause upon the execution of an appropriate confidentiality agreement or agreements.

WHEREFORE, Vectren South respectfully moves that the Commission make and enter appropriate docket entries and orders in the Cause:

(a) Finding the Confidential Information to be preliminarily confidential for the limited purpose of allowing Vectren South to safely submit the Confidential Information to the Commission under seal or provide reasonable access to the Confidential Information as described above;

(b) Thereafter, making a final determination as to whether the Confidential Information is exempt from public disclosure and access under Ind. Code §§ 8-1-2-29 and 5-14-3-4 and 170 IAC 1-1.1-4;

(c) Adopting procedures to ensure that the Confidential Information is appropriately protected from public disclosure and access; and

(d) Granting to Vectren South such other relief as may be appropriate.

Respectfully Submitted

/s/ 

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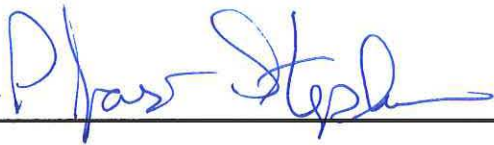
Attorneys for Southern Indiana Gas and Electric
Company d/b/a Vectren Energy Delivery of
Indiana, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Protection and Nondisclosure of Confidential and Proprietary Information was served via electronic mail transmission or by depositing a copy thereof in the United States mail, first class postage prepaid, addressed to:

Indiana Office of Utility Consumer Counselor
ATTN: Mr. Jeffrey M. Reed,
PNC Center
115 West Washington Street, Suite 1500 South
Indianapolis, Indiana, 46204
jreed@oucc.in.gov
infomgt@oucc.in.gov

This 22nd day of February 2017.

/s/ 

AFFIDAVIT OF WAYNE D. GAMES

The undersigned affiant, Wayne D. Games, being duly sworn upon his oath, deposes and states:

1. I am over the age of 18 years, suffer from no disability which would render my testimony incompetent, and have personal knowledge of all matters contained in this Affidavit.

2. I am Vice President of Power Supply for Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana, Inc. (“Vectren South”).

3. This Affidavit is being filed in support of Vectren South’s Motion for Protection and Nondisclosure of Confidential and Proprietary Information for determination that certain information included in Vectren South’s case-in-chief, workpapers or produced in discovery contains trade secrets and is confidential and exempt from public disclosure under Indiana law.

4. The Confidential Information includes business sensitive data consisting of detailed cost estimates for the solar projects and other confidential terms relating to the solar projects. I have personal knowledge of the efforts taken to maintain the secrecy of the Confidential Information. The Confidential Information is wholly confidential, proprietary, competitively sensitive and trade secret in nature and should not be disclosed to the public.

5. The Confidential Information derives independent economic value, actual and potential, from the information not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use. Disclosure of the Confidential Information would have a substantial detrimental effect on Vectren South and its customers, as it could be used to their disadvantage in the negotiation of the price paid for these or related services in the future. Disclosure of the Confidential Information would enable potential bidders or contract suppliers to tailor their bids and negotiations around these estimates

rather than the lowest cost, advantaging the bidder and disadvantaging Vectren South. In addition, Vectren South may negotiate other system related projects in the future. If the pricing estimates became generally known or readily ascertainable to the other parties with whom Petitioner may negotiate in the future, this knowledge would provide considerable economic value to such parties. Disclosure of the Confidential Information could cause economic harm to Vectren South.

6. The Confidential Information is not available to competitors through normal or proper means and every effort has been made to keep the Confidential Information out of the public domain. Vectren South has taken all reasonable steps to protect the Confidential Information, including, but not limited to, only sharing such information on a need to know basis and not releasing such information externally without appropriate protections.

7. For all of these reasons, the Confidential Information should be protected from public disclosure.

8. And further, Affiant sayeth naught.


Wayne D. Games

VERIFICATION

I affirm, under penalties for perjury, that the foregoing representations of fact in my Affidavit are true and correct to the best of my knowledge, information and belief.

By: Wayne D. Games
Wayne D. Games

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

22nd Subscribed and sworn to before me, a Notary Public in and for said State and County, this day of February, 2017.

BY: Mary Etta Smith
Mary Etta Smith

My Commission Expires:
July 4, 2022

My County of Residence:
Vanderburg

