

**BEFORE THE
ARKANSAS PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF THE CONTINUATION,)
EXPANSION, AND ENHANCEMENT OF) DOCKET NO. 13-002-U
PUBLIC UTILITY ENERGY EFFICIENCY)
PROGRAMS IN ARKANSAS)**

MOTION FOR INTERIM PROTECTIVE ORDER

COME NOW General Staff (“Staff”) of the Arkansas Public Service Commission (“Commission”); the Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General’s Office; Entergy Arkansas, Inc.; CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Arkansas Gas; Southwestern Electric Power Company; SourceGas Arkansas Inc. (f/k/a Arkansas Western Gas Company); Arkansas Oklahoma Gas Corporation; The Empire District Electric Company; Oklahoma Gas and Electric Company; Arkansas Community Action Agencies Association, Inc. (“ACAAA”); Audubon Arkansas; Arkansas Advanced Energy Association, Inc. (“AAEA”); Sierra Club, Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc. (“AEEC/AGC”), (these entities will be collectively referred to as the Parties Working Collaboratively or the “PWC”), and hereby move for an interim protective order, pursuant to Ark. Code Ann. § 23-2-316 and Rules 3.07(a) and 13.05 of the *Rules of Practice and Procedure* of the Commission precluding the public disclosure of competitive and confidential information. In support of the motion, the PWC states as follows:

1. On January 4, 2013, the Commission issued Order No. 1 establishing a process and timeline to resolve issues in the development and implementation of the second three-year cycle of comprehensive utility energy efficiency (“EE”) programs in Arkansas.
2. On April 19, 2013 the PWC filed a Joint Motion to Request a Potential Study, seeking authority to issue a Request for Proposal (“RFP”) to have an Arkansas-specific Potential Study performed to assist the Commission in the determination of appropriate energy savings targets for Arkansas utilities.
3. On September 9, 2013, the Commission issued Order No. 7 directing the PWC to develop and submit to the Commission for its approval an RFP and accompanying testimony that describes the PWC’s more detailed recommendations for an Arkansas EE Potential Study on or before noon on November 1, 2013.
4. Certain information that the PWC will include in its November 1, 2013 responsive filing is commercially sensitive data that, if publicly disclosed, will impair the competitive bidding process for the Arkansas-specific Potential Study.
5. Specifically, the PWC requests that the Confidential Information to be protected should include all budget and financial data, whether in the aggregate or utility specific, as it relates to the anticipated costs of the Potential Study. The PWC also requests that the Confidential Information to be protected include any estimates or statements of any dollar amounts relating to the anticipated range of cost estimates related to potential bidders.

6. The release of such Confidential Information would cause the Utilities and their ratepayers to suffer material damage to their competitive and financial positions and would impair the public interest due to the effect that the disclosure would have on the Utilities' costs and future operation. Disclosure of such Confidential Information could adversely affect the potential bid amounts and potentially result in higher costs incurred by the utilities and ultimately borne by Arkansas ratepayers. Therefore, the PWC requests the subject information not be released to the public.
7. The Confidential Information described herein has not previously been disclosed and the information has been maintained as confidential by the Utilities and other members of the PWC.
8. The PWC respectfully requests that the above-described information be subject to protective order under Ark. Code Ann. § 23-3-316 and Rules 3.07 (a) and 13.05; that access to such information be restricted to counsel and other agents or employees who have been specifically assigned to this proceeding by one of the parties and who have signed an Affidavit of Non-Disclosure; that the information be used solely in connection with this proceeding; that protected information used in depositions, prepared testimony or otherwise, will be redacted and submitted under seal; that all information to be covered by the provisions of the order should be marked "CONFIDENTIAL, SUBJECT TO PROTECTIVE ORDER IN DOCKET NO. 13-002-U" prior to delivery; that neither the furnishing of Confidential Information nor its availability for review by the parties shall be considered a waiver of any right to object upon any ground to the

use or introduction into evidence of any such information during any proceeding; and, not later than thirty (30) days following the conclusion of this proceeding, by the issuance of a final, non-appealable Order of this Commission, all documents and software designed as "CONFIDENTIAL, SUBJECT TO PROTECTIVE ORDER IN DOCKET NO. 13-002-U," including all photocopies, in whole or part thereof, or any information therein however made, should be returned to the party providing the information.

9. The PWC requests that the protective order sought by this Motion apply to the described information in the possession, custody, or control of the members of the PWC.
10. The PWC reserves the right to seek additional protective orders from the Commission during the course of discovery in this proceeding, if any other requested information or documents are determined to require the production of proprietary, competitive or Confidential Information that is not otherwise adequately covered by the protective order requested herein.
11. Should any party ask the Commission to release from protective seal any information that the parties believe is not entitled to continued protection, the PWC and/or the individual PWC members who wish to support continued protection will bear the burden of establishing that such information should continue to be protected in accordance with Ark. Code Ann. § 23-2-316 and Rules 3.07(a) 13.05.

WHEREFORE, for the above-stated reasons, the PWC hereby respectfully requests that the Commission expeditiously enter an interim protective order preventing public or unauthorized disclosure of the Confidential Information described in Paragraphs 4 and 5 above.

Respectfully Submitted,

ARKANSAS OKLAHOMA GAS CORPORATION

By: /s/ Shannon Mirus
Shannon Mirus, Arkansas Bar No. 2007265
Arkansas Oklahoma Gas Corporation
Vice President-General Counsel
P. O. Box 2414
Fort Smith, AR 72902-2414
T: 479/783-3181, Extension 2212
F: 479/784-2095
E: smirus@aogc.com

**ON BEHALF OF THE
PARTIES WORKING COLLABORATIVELY**

CERTIFICATE OF ELECTRONIC SERVICE

I, Shannon Mirus, hereby certify that a copy of the foregoing Motion has been served on all parties of record via electronic mail on this 21st day of October, 2013.

By: /s/ Shannon Mirus

Shannon Mirus, Arkansas Bar No. 2007265
Arkansas Oklahoma Gas Corporation
Vice President-General Counsel
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