



Phillips Lytle LLP

VIA ELECTRONIC FILING

June 15, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

**Re: Docket M-2020-3019254, Supplier Door-to-Door and In-Person Marketing
Moratorium Proclamation of Disaster Emergency - COVID-19**

Dear Secretary Chiavetta,

Enclosed please find the Petition for Protective Order on behalf of StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. (collectively, "StateWise") in the above-referenced proceeding. Copies have been provided to those indicated on the Certificate of Service.

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson

Enclosure

cc: Certificate of Service
Thomas F. Puchner, Esq.
Kevin C. Blake, Esq.

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Supplier Door-to-Door and In-Person Marketing
Moratorium Proclamation of Disaster Emergency
- COVID-19**

Docket M-2020-3019254

PETITION FOR PROTECTIVE ORDER

Pursuant to Section 5.365 of the Pennsylvania Public Utility Commission (“Commission”) regulations, 52 Pa. Code § 5.365, StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. (“StateWise”) respectfully submits this Petition for Protective Order. In support of this Petition, StateWise represents as follows:

1. On June 15, 2020, StateWise filed a Petition for Partial Rescission, or in the alternative, Petition for Partial Waiver in the above-referenced proceeding (“June 15th Petition”).
2. Under 52 Pa. Code § 5.362 and 5.365, a protective order may be issued to limit disclosure of trade secrets or other confidential research, development, or commercial information if the potential harm to the party providing such information would be substantial and is outweighed by the public’s interest in open access to such records.
3. In applying this standard, the Commission considers several relevant factors, including the extent to which disclosure would cause unfair economic or

competitive damage, the extent to which the information is already known by others and used in similar activities, the worth or value of the information to the party and to the party's competitors, the degree of difficulty and cost of developing the information, and other statutes or regulations dealing specifically with disclosure of the information.

4. Certain redacted information contained within the StateWise's June 15th Petition includes proprietary, trade secret, and confidential material ("Protected Information").

5. The Protected Information contains information pertaining to vendors, service providers, proprietary software systems and procedures, marketing methods, and sales techniques. The Protected Information was developed by StateWise's management team and is not known to those outside the business. The Protected Information is highly valuable to StateWise, as it was developed over many months and required extensive research, development, and integration with existing marketing mechanisms, software platforms, and vendor relationships. Public disclosure of the Protected Information would give competitors the unfair and unwarranted benefit of StateWise's efforts, and undue insight into StateWise's enrollment processes and technological capabilities, and therefore, could undermine StateWise's ability to compete in the marketplace. Limiting the disclosure of the Protected Information will not prejudice the rights of others, nor will such limitation frustrate the prompt and fair resolution of this proceeding.

6. Because the issuance of a protective over for the Protected Information is both lawful and reasonable, and fairly balances the interests of the Commission, StateWise and the public, the Commission should grant this Petition for Protective Order and maintain the confidentiality of the Protected Information set forth in StateWise's June 15th Petition.

June 15, 2020

Respectfully submitted,

Phillips Lytle LLP

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VERIFICATION

I, Jeff Donnelly, Director of Regulatory Affairs and Compliance for StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. ("StateWise"), hereby state that the facts set forth in the above-referenced Petition are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities.

Dated: June 15, 2020

Jeff Donnelly

Jeff Donnelly
StateWise Energy Pennsylvania LLC
SFE Energy Pennsylvania, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

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June 15, 2020

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