



Mark O. Marini  
Director - Regulatory

March 27, 2012

Ms. Donna Giliberto  
Records Access Officer  
State of New York Department  
of Public Service  
Three Empire State Plaza  
Albany, NY 12223

Re: Case 93-G-0932 - Proceeding on Motion of the Commission to Address Issues  
Associated with the Restructuring of the Emerging Competitive Natural Gas Market  
-- **Request for Trade Secret Status**

Dear Ms. Giliberto:

Pursuant to the rules of the New York State Public Service Commission ("PSC" or the "Commission") regarding trade secrets (16 NYCRR § 6-1.3) and Public Officers Law Section 87.2(c) and (d), New York State Electric & Gas Corporation ("NYSEG" or the "Company") hereby requests trade secret status for certain non-public data which are being filed with the Office of Consumer Services ("OCS") of the State of New York Department of Public Service ("DPS") by NYSEG in accordance with the Commission's January 28, 1999 and March 15, 2000 Orders Approving Interim Reporting Requirements in the above-referenced proceeding ("Orders").

In the Orders, the Commission required the utilities to file interim retail access reports with the OCS on a monthly basis through the year 2000 and quarterly thereafter. Each report must include data from the reporting month regarding: (i) the number of customers by service classification eligible for retail access, (ii) the number of customers by service classification receiving retail access from each energy service company ("ESCO"), (iii) the amount of kWh by service classification that is eligible for retail access, (iv) the amount of kWh by service classification provided by each ESCO, and (v) the numbers of customers that have returned to jurisdictional service and that have left one ESCO for another ESCO.

In the Orders, the Commission left the determination of the trade secret status of information filed in the required reports to the operation of the processes set forth in provisions of the Public Officers Law and Commission regulations. Pursuant to a Freedom of Information Law (FOIL) request made by an ESCO seeking certain information from the reports, and objections made thereto by various interested parties, Secretary Brilling determined that "disclosure of a list of ESCOs, with total

89 East Avenue, Rochester, NY 14649-0001  
Telephone 585.771.4692, Cell 585.750.1666  
Mark\_Marini@rge.com

An equal opportunity employer

number of customer and associated volume of gas of each ESCO on a statewide basis would be likely to cause substantial injury to the competitive positions of the ESCOs . . .", and therefore should not be publicly disclosed.<sup>1</sup> Letter to Parties Regarding Request for Certain Information in Unredacted ESCO Gas Flow-Through Data Reports for November and December 2005 (Trade Secret 06-1), dated October 20, 2006.

NYSEG hereby requests trade secret status for all information in the attached filing which comes within the scope of both Secretary Brilling's October 20, 2006 and Steven Blow's May 19, 2008 determinations. The Company believes that some data which it is filing with the OCS as part of the interim retail access report effectively indicates the usage of certain retail access customers. Based upon the number and type of customers, the amount of kWh or Dth, as the case may be, and the placement of these figures in the chart which NYSEG is filing with the OCS, anyone with a working knowledge of the Company's customer base and the ESCOs participating in NYSEG's retail access program would be able to ascertain the usage of specified customers. The disclosure of such information could adversely affect the competitive position of the Company's customers by revealing pricing information and the identity of ESCOs to competitors and, thus, "would cause unfair economic or competitive damage" 16 NYCRR § 6-1.3(b)(2)(i). On May 19, 2008, Steven Blow determined that it is his opinion "that current circumstances are similar to those existing at the time Secretary Brilling made her determination. I therefore conclude that the ESCOs and Utilities have met the burden of proof they bear pursuant to POL §89(5)(e)."

Please contact me at (585)771-4692 if you have any questions regarding this request for trade secret status.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark O. Marini". The signature is fluid and cursive, with the first name "Mark" and last name "Marini" clearly distinguishable.

Mark O Marini

---

<sup>1</sup> Although the matter before Secretary Brilling had to do with the disclosure of information with respect to gas volumes, 94-E-0952, Competitive Opportunities Regarding Electric Service (the Reporting Order), issued January 28, 1999, is referenced in connection with Commission policy regarding disclosures of this nature. It is assumed, therefore, that the determination in the Brilling letter applies to both gas and electric filings.

# **TRADE SECRET**

Trade Secret status has been requested for the material on the following one (1) sheet and such material is to be kept confidential.  
March 27, 2012

Trade Secret status has been granted to the material on the following one sheet and such material is to be kept confidential.

\_\_\_\_\_, 2011

\_\_\_\_\_  
Donna Giliberto  
Records Access Officer

# NYSEG'S GAS CUSTOMER MIGRATION REPORT February 2012

UTILITY	MARKETER	TOTALS			NON-RESIDENTIAL			HEATING GROUP			RESIDENTIAL		
		# of Customers	Annualized Load Dth	AVERAGE Dth Use Per Customer	# of Customers	Annualized Load Dth	AVERAGE Dth Use Per Customer	# of Customers	Annualized Load Dth	AVERAGE Dth Use Per Customer	# of Customers	Annualized Load Dth	AVERAGE Dth Use Per Customer
NYSEG	AGW	2,617	382,126	146	808	202,475	251	1,766	176,353	101	43	1,298	30
	AMB	7,501	811,584	108	827	177,989	215	6,491	628,502	97	183	5,093	28
	BLUE	842	392,110	466	752	375,738	500	89	16,236	182	1	136	136
	CTZN	499	43,963	88	7	1,461	209	463	41,815	90	29	687	24
	CUP	362	36,805	102	15	3,635	242	344	33,045	96	3	125	42
	DES	25	21,743	870	25	21,743	870	0	0	0	0	0	0
	DNAM	6	2,285	381	6	2,285	381	0	0	0	0	0	0
	Energy Coop of America	324	131,389	406	183	115,124	629	140	16,246	116	1	19	19
	EnergyMark	229	185,480	723	163	153,083	939	64	12,300	192	2	97	49
	ENEX	382	85,554	224	138	57,516	417	237	27,889	118	7	148	21
	ENG	555	402,045	724	437	387,721	887	118	14,324	121	0	0	0
	GATE	5,248	717,689	137	651	286,092	439	4,512	428,645	95	85	2,952	35
	GLNG	36	48,723	1,353	36	48,723	1,353	0	0	0	0	0	0
	GRIF	630	123,913	197	140	68,321	488	469	54,161	115	21	1,431	68
	HESS	1,173	1,145,393	976	1,102	1,112,137	1,009	71	33,257	468	0	0	0
	HIKO	687	58,399	85	13	1,089	84	640	56,738	83	34	572	17
	HUD	644	195,758	304	109	144,636	1,327	513	50,875	99	22	448	20
	IDT	427	41,084	96	21	2,940	140	397	37,845	95	9	299	33
	MAJR	2,088	244,000	117	57	43,558	764	2,008	198,996	99	23	1,446	63
	MIRB	0	0	0	0	0	0	0	0	0	0	0	0
	MXIN	123	21,355	174	53	15,388	290	67	5,923	88	3	44	15
	NFR	378	342,203	905	355	338,159	963	23	4,044	176	0	0	0
	NOCO	188	125,277	666	91	116,122	1,276	96	9,135	95	1	20	20
	NYSE	10,467	919,663	88	157	22,065	141	9,960	866,221	89	350	11,376	33
	NYSEO	21,146	2,418,287	114	1,528	539,605	353	19,148	1,863,305	97	470	15,378	33
	SPRG	145	203,732	1,405	140	203,344	1,452	5	388	78	0	0	0
	Stand Energy	86	84,062	977	83	81,634	984	3	2,429	810	0	0	0
	UGIP	296	290,315	981	279	288,631	1,035	17	1,684	99	0	0	0
	USGE	4,501	1,050,776	233	2,336	757,427	324	2,084	291,132	140	81	2,216	27
	Municipal Purchaser:												
	NIAG	43	54,046	1,257	43	54,046	1,257	0	0	0	0	0	0
Sub-Total		61,648	10,559,755	171	10,555	5,622,694	533	49,725	4,893,287	98	1,368	43,784	32

TRADE SECRET