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APPLICATION OF AEP TEXAS	§	BEFORE THE	PUBLIC UTILITY COMMISSION
NORTH COMPANY AND WTU	§		FILING CLERK
RETAIL ENERGY, LP TO	§	PUBLIC UTILITY COMMISSION	
DETERMINE TRUE-UP BALANCES	§		
PURSUANT TO PURA § 39.262	§	OF TEXAS	

NOTICE OF PROTECTED INFORMATION

Please take notice that WTU Retail Energy, LP ("WTU Retail") has filed protected information relating to customer counts ("Protected Material") in the workpapers to J. Patrick Keene's Direct Testimony and Schedule VII-A in this proceeding. WTU Retail's Protected Material contains sensitive commercial information that is considered confidential and, as a result, will be filed under the Protected Material or Highly Sensitive Protected Material classifications pursuant to the proposed protective order in this docket. This notice is being filed to comply with the requirements of paragraph 4 of that protective order related to claims of exemption from public disclosure pursuant to the Public Information Act (the "PIA").

WTU Retail asserts that the information that it has classified as Protected Material is exempt from public disclosure pursuant to PIA §§ 552.101, 552.104 and 552.110. The Protected Material contains sensitive commercial information that provides insights into WTU Retail's operations, as indicated below. This type of information is considered confidential under PUC Substantive Rule § 25.272(c)(3). The proposed Protective Order in this docket specifically recognizes this type of commercially sensitive business operation information as Protected Material, which can be used only for the specified purposes in this docket. Further § 39.001(b)(4) of the Public Utility Regulatory Act requires the Commission to "protect the competitive process in a manner that ensures the confidentiality of competitively sensitive information during the transition to a competitive market and after the commencement of customer choice." Thus, the Protected Material is covered by PIA § 552.101, which excepts

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material from public disclosure that is considered to be "confidential by law. . . or by judicial decision."

The Protected Material is further excepted from public disclosure by the provisions of both PIA § 552.104 and PIA § 552.110, which except from public disclosure information that, if released, "would give advantage to a competitor or bidder," or that "would cause substantial competitive harm to the person from whom the information was obtained." WTU Retail takes active measures to maintain the information contained in the Protected Material confidential both within and outside the company and does not release this information other than pursuant to protective orders or confidentiality agreements. Broader dissemination will provide an advantage to WTU Retail's competitors, suppliers, and customers, and thereby cause substantial competitive harm to WTU Retail.

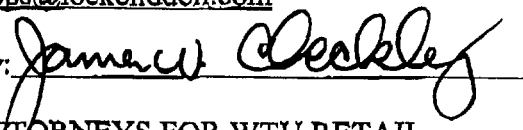
Counsel for WTU Retail has reviewed the Protected Material sufficiently to state in good faith that information contained therein is exempt from public disclosure under the PIA and merits the Protected Material designation.

Respectfully submitted,

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