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SOAH DOCKET NO. 473-06-2043  
PUC DOCKET NO. 32093

PETITION BY COMMISSION STAFF § BEFORE THE  
FOR A REVIEW OF THE RATES OF §  
CENTERPOINT ENERGY HOUSTON § STATE OFFICE OF  
ELECTRIC, LLC PURSUANT TO §  
PURA § 36.151 § ADMINISTRATIVE HEARINGS

**NOTICE OF CONFIDENTIAL RESPONSES OF CENTERPOINT ENERGY HOUSTON  
ELECTRIC, LLC TO CITY OF HOUSTON'S SIXTH REQUEST FOR INFORMATION**

CenterPoint Energy Houston Electric, LLC ("CenterPoint Energy Houston") received City of Houston's ("COH") Sixth Request for Information ("RFI") on June 28, 2006. CenterPoint Energy Houston's responses to the requests listed below contain sensitive commercial information that is considered confidential and, as a result, were filed under the Protected Material or Highly Sensitive Protected Material classifications (either, "Protected Material") pursuant to the protective order in this docket.<sup>1</sup> This notice is being filed to comply with the requirements of paragraph 4 of that protective order<sup>2</sup> related to claims of exemption from public disclosure pursuant to the Public Information Act (the "PIA").<sup>3</sup>

CenterPoint Energy Houston asserts that the information in its responses to the RFI that it has classified as Protected Material is exempt from public disclosure pursuant to PIA §§ 552.101 and 552.110. The Protected Material contains sensitive commercial information that provides insights into CenterPoint Energy Houston's operations, or Critical Energy Infrastructure Information, as that term is defined in 18 C.F.R. § 388.113(c)(1), as indicated below. This type of information is considered confidential under PUC Substantive Rule 25.272(c)(3). The Protective Order in this docket specifically recognizes this type of 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<sup>4</sup> requires the Commission to "protect the competitive process in a manner that ensures the confidentiality

<sup>1</sup> Protective Order (May 9, 2006).

<sup>2</sup> *Id.* at 2.

<sup>3</sup> TEX. GOV'T CODE ANN. §§ 552.001-552.353 (Vernon 2004 & Supp. 2005).

<sup>4</sup> TEX. UTIL. CODE ANN. §§ 11.001-66.017 (Vernon 1998 & Supp. 2006).

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 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 PIA § 552.110(b), which except from public disclosure “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained . . . .” CenterPoint Energy Houston 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 CenterPoint Energy Houston’s competitors, suppliers, and customers and thereby cause substantial competitive harm to CenterPoint Energy Houston.

Counsel for CenterPoint Energy Houston 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.

**Request No. COH06-01**

The response to this request includes the following Protected Material that includes commercially sensitive information and CEII, excepted from public disclosure under the PIA as discussed above:

- Maps of CenterPoint Energy Houston’s transmission system.

**Request No. COH06-03**

The response to this request includes the following Protected Material that includes commercially sensitive information and CEII, excepted from public disclosure under the PIA as discussed above:

- Maps of CenterPoint Energy Houston’s distribution system.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Rozzell', is written over a horizontal line.

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**ATTORNEYS FOR CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC**

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties of record in this proceeding by facsimile, hand delivery, overnight delivery, or United States first class mail on this 18<sup>th</sup> day of July, 2006.

Lisa Harris