



Control Number: 35717



Item Number: 811

Addendum StartPage: 0

**PUC DOCKET NO. 35717  
SOAH DOCKET NO. 473-08-3681**

<b>APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC FOR AUTHORITY TO CHANGE RATES</b>	§ § §	<b>BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS</b>
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2009 FEB -5 PM 2:40  
FILED  
CLERK

**ONCOR ELECTRIC DELIVERY COMPANY LLC'S  
STATEMENT OF CONFIDENTIALITY CONCERNING SECOND SUPPLEMENTAL  
RESPONSE TO STEERING COMMITTEE OF CITIES SERVED BY ONCOR'S  
13TH REQUEST FOR INFORMATION, QUESTION NO. 31(c)**

**TO THE HONORABLE HENRY D. CARD AND CATHERINE C. EGAN,  
ADMINISTRATIVE LAW JUDGES:**

COMES NOW Oncor Electric Delivery Company LLC ("Oncor"), by and through its attorneys of record, and pursuant to the Protective Order entered in this Docket, submits this Statement of Confidentiality Concerning Supplemental Response to Steering Committee of Cities Served by Oncor's ("Cities") 13th Request for Information.

**I. BACKGROUND**

Oncor is providing a second supplemental response to Cities' 13th Request for Information, Question KN13-31(c). Documents provided for inspection in response to that question (the "Protected Materials") have been marked as "Highly Sensitive Confidential," pursuant to the Protective Order entered in this Docket.<sup>1</sup> This statement is being filed to comply with the requirement of Paragraph 4 of that Protective Order related to claims of exemption from public disclosure pursuant to the Public Information Act.

**II. ARGUMENT**

The Protected Materials contain trade secrets and confidential commercial and financial information which, if publicly disclosed, would cause substantial competitive harm to Oncor or multiple third party vendors, including NorthgateArinso, Inc. ("NGA"). The Protected Materials

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<sup>1</sup> Order No. 2, Protective Order (July 22, 2008).

are therefore exempt from public disclosure pursuant to sections 552.101 and 552.110 of the Texas Public Information Act ("TPIA").<sup>2</sup>

More specifically, the Protected Materials contain internal decision documents, requests for proposals, and responses to those requests from various vendors, including NGA, that contain, among other things, details about the ultimate business relationship resulting between NGA and Oncor, details related to Oncor's decision to enter into a business relationship with NGA, and information about the software, capabilities, and pricing of NGA and other vendors. These types of information constitute confidential competitively-sensitive information, trade secret information, and commercial or financial information that is exempt from disclosure under the TPIA. The Protected Material is also considered confidential under P.U.C. SUBST. R. 25.272(c)(3).

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

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<sup>2</sup> TEX.GOV'T COD ANN. § 552.001-552.353.

Respectfully submitted,

Oncor Electric Delivery Company LLC

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**ATTORNEYS FOR ONCOR ELECTRIC  
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### **CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing has been hand delivered or sent via courier service or first class United States mail, postage prepaid, to all parties of record in this proceeding on this the 9<sup>th</sup> day of February, 2009.

Megan C. Davis