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SOAH DOCKET NO. 473-10-5001  
PUC DOCKET NO. 38339

APPLICATION OF CENTERPOINT §  
ENERGY HOUSTON ELECTRIC, §  
LLC FOR AUTHORITY TO CHANGE §  
RATES §

BEFORE THE  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**NOTICE OF CONFIDENTIAL FILING BY  
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC**

CenterPoint Energy Houston Electric, LLC ("CenterPoint Houston") submits this notice, pursuant to paragraph 4 of the Protective Order in this case, that it has today submitted under seal certain responses to the Office of Public Utility Counsel's Fifth Request for Information.

The responses to the following requests contain information that is filed as Protected Material under the Protective Order:

OPC 05-04

Mr. Woods' Rebuttal Testimony

Please provide the complete list of year end audit adjustments and reclassifications required by CNP's auditors for 2007, 2008 and 2009 along with the date on which each adjustment was recorded in CNP's books and records.

Specifically, this request seeks information about commercially sensitive business operations and financial information.

OPC 05-07

Mr. Felsenthal's Rebuttal Testimony

For uncertain tax positions accounted for in accordance with FIN 48, please provide a schedule providing the following information for 2007, 2008, 2009 and 2010: actual amounts paid for federal income taxes related to previously deducted amounts, actual amounts paid for penalties, actual amounts paid for interest, the year the related tax deduction was taken, the original amount of the deduction, the date(s) the payment(s) were made.

Specifically, this request seeks commercially sensitive accounting, tax, and financial information. This information qualifies as Protected Material because it is also commercial and/or financial information excepted from public disclosure under the Texas Public Information Act, TEX. GOV'T CODE ANN., Chapter 552 ("TPIA").

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In 1999, the Texas Legislature amended § 552.110 of the TPIA by specifically recognizing that the disclosure of commercial or financial information can cause substantial harm to the person from whom the information was obtained. This amendment removed the express requirement that the information needed to be privileged or confidential by statute or judicial decision to be exempted from disclosure. The express language of the liberalized exemption in § 552.110(b) is designed to protect commercial or financial information.

CenterPoint Houston asserts that the information provided in response to the above requests is commercial and/or financial information, the disclosure of which would cause substantial harm to CenterPoint Houston and/or its affiliates. The information is therefore exempt from public disclosure under TPIA § 552.110(b).

Counsel for CenterPoint Houston has reviewed the information sufficiently to state in good faith that the information is exempt from disclosure under the TPIA and merits Protected Material designation.

Respectfully submitted,

  
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