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**PUC DOCKET NO. 38929
SOAH DOCKET NO. 473-11-2330**

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS
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**ONCOR ELECTRIC DELIVERY COMPANY LLC'S
STATEMENT OF CONFIDENTIALITY CONCERNING RESPONSES TO
STATE AGENCIES' THIRD REQUEST FOR INFORMATION**

**TO THE HONORABLE TRAVIS VICKERY AND STEVEN D. ARNOLD,
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 Responses to State Agencies' Third Request for Information.

I. BACKGROUND

Oncor is providing responses to State Agencies' Third Request for Information. Responses to the requests listed below contain sensitive commercial information that is considered confidential and, as a result, the responses were provided under the Protected Material or Highly Sensitive Protected Material designation (material designated under either heading hereinafter called, "Protected Material") pursuant to the Protective Order entered in this Docket.¹ 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. Oncor asserts that the information that has been marked as Protected Material is exempt from public disclosure pursuant to sections 552.101 and 552.110 of the Texas Public Information Act ("TPIA").²

II. ARGUMENT

The Protected Material is exempt from disclosure under the TPIA for the reasons set out below for each response.

¹ Order No. 1 (January 14, 2011).

² TEX. GOV'T CODE ANN. § 552.001-552.353.

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 Material designation. Oncor has provided the following responses designated as Protected Material:

State Agencies' RFI No. 3, Question No. RFI 3-3:

The attachment to this response consists of customer-specific street lighting information, including information by customer, street light types/wattages, and billed usage. The Protected Material is considered confidential under P.U.C. SUBST. R. 25.272(c)(3). Further, PURA § 39.001(b)(4) 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 also covered by TPIA § 552.101, which excepts material from public disclosure that is considered to be "confidential by law... or by judicial decision." In addition, PURA §32.101(c) provides: "The commission shall consider customer names and addresses, prices, individual customer contracts, and expected load and usage data as highly sensitive trade secrets. That information is not subject to disclosure under Chapter 552, Government Code."

Respectfully submitted,

Oncor Electric Delivery Company LLC

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**ATTORNEYS FOR ONCOR ELECTRIC
DELIVERY COMPANY LLC**

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 14th day of February, 2011.


