



Control Number: 46238



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SOAH DOCKET NO. 473-17-1172
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JOINT REPORT AND APPLICATION §
OF ONCOR ELECTRIC DELIVERY § BEFORE THE STATE OFFICE
COMPANY LLC AND NEXTERA §
ENERGY, INC. FOR REGULATORY § OF
APPROVALS PURSUANT TO PURA §
§§ 14.101, 39.262 AND 39.915 § ADMINISTRATIVE HEARINGS

**NEXTERA ENERGY, INC.'S STATEMENT OF CONFIDENTIALITY
CONCERNING RESPONSES TO TEXAS INDUSTRIAL ENERGY CONSUMERS'
THIRD, FOURTH AND FIFTH REQUESTS FOR INFORMATION**

COMES NOW NextEra Energy, Inc. ("NextEra Energy"), 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 Texas Industrial Energy Consumers' ("TIEC") Third, Fourth and Fifth Requests for Information ("RFI").

I. BACKGROUND

Certain materials responsive to the requests listed below contain information that is considered to be Protected Material or Highly Sensitive Protected Material and is protected from public disclosure pursuant to the Public Utility Regulatory Act ("PURA"),¹ the Texas Public Information Act ("TPIA")² and the Protective Order entered in this proceeding.³ This statement is being filed to comply with Paragraph 4 of that Protective Order relating to the procedures for the designation of Protected Materials. Counsel for NextEra Energy has reviewed the materials sufficiently to state in good faith that the information contained therein is exempt from public disclosure under applicable law and merits the identified designation.

II. ARGUMENT

The responses to the following requests contain information that is designated as Highly Sensitive Protected Materials.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2012 and Supp. 2016) (PURA).

² Tex. Gov't Code Ann. §§ 552.001-552.353 (West 2012 and Supp. 2016).

³ Order No. 1 (Nov. 1, 2016); Application at Exhibit C (Oct. 31, 2016).

TIEC RFIs 3-1, 3-2, 3-3, 3-8, 3-9, 4-7, 4-10 and 5-3

All of the materials provided in response to the above-listed RFIs contain competitively sensitive business operations or financial information that the Company deems as Highly Sensitive Protected Materials. For instance, the materials provided in the Company's responses to TIEC RFIs 3-1, 3-2 and 3-3 consist of competitively sensitive business operations and financial information shared with credit ratings agencies to support the Company's credit ratings after the proposed acquisition of Oncor Electric Delivery Company LLC. The Company's response to TIEC RFI 3-8 includes its projected leverage ratio. The Company's response to TIEC RFI 3-9 includes sensitive information related to the Company's wind generation development plans. Information provided in response to TIEC RFI 4-7 consists of competitively sensitive business operations and financial information shared with credit ratings agencies related to the financial impacts of the proposed acquisition; it also includes ratings agency assessments analyzing this information. The ratings agency assessments are also proprietary materials. The materials provided in response to TIEC RFI 4-10 consist of competitively sensitive financial information from the Company's FERC Form 1 filing, as well as unique and proprietary regression analyses used by the Company to evaluate its operations metrics. The materials provided in response to TIEC RFI 5-3 is an S&P Ratings Evaluation Service report, which provides the background and assumptions underlying its conditional rating assessments. This report is also considered proprietary materials. This information has not been publicly disclosed, and disclosure of this information would give an advantage to a competitor of the Company and, thus, expose the Company to substantial competitive harm.

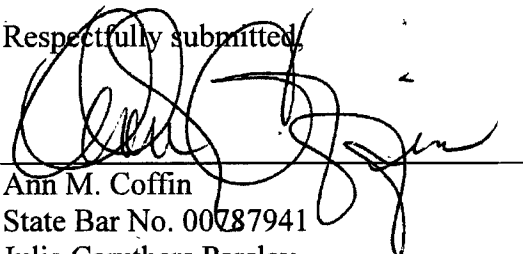
Information is exempt from the public-disclosure requirements of Section 552.021 of the TPIA if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.⁴ Section 552.104 of the TPIA specifically protects from public disclosure information that would give an advantage to a competitor or bidder. Section 552.110(b) of the TPIA protects from public disclosure commercial or financial information the disclosure of which

⁴ Tex. Gov't Code Ann. § 552.101 (West 2012 and Supp. 2016).

would cause substantial competitive harm to the person from whom the information was obtained.⁵ In addition, protecting this information is consistent with section 39.001(f) of PURA, which states that it is in the public interest 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.”⁶ This type of information is also specifically protected under the Protective Order issued in this proceeding, which identifies commercially sensitive business or financial information as being highly sensitive.⁷ In addition, the information is also considered confidential under Commission Rule 25.272(c)(3), which deems any “information not intended for public disclosure and considered to be confidential or proprietary by persons privy to such information” to be confidential information.

Respectfully submitted,

By:



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⁵ Notably, section 552.110(b) was amended by the Texas Legislature in 1999 to specifically exempt from public disclosure certain commercial financial information if the disclosure of such information would cause substantial competitive harm to the person from whom the information was obtained. Act of May 27, 1999, 76th Leg., R.S., ch. 1319, §7. The Legislature also removed the requirement that information must be privileged or confidential by statute or judicial decision to be exempted from public disclosure. The more liberal exemption effected by the Legislature is designed to exempt from public disclosure the kind of commercially sensitive business operations and financial information that NextEra Energy is providing.

⁶ Tex. Util. Code § 39.001 (West 2012 and Supp. 2016).

⁷ Order No. 1 (Nov. 1, 2016); Application at Exhibit C, ¶ 6 (Oct. 31, 2016).

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**ATTORNEYS FOR NEXTERA ENERGY,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all parties of record in this proceeding via fax, hand delivery, overnight delivery, or U.S. first class mail on this the 22nd day of December, 2016.



Ann M. Coffin