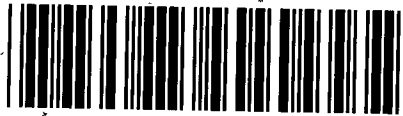


Control Number: 46238



Item Number: 58

Addendum StartPage: 0

DOCKET NO. 46238

RECEIVED

JOINT REPORT AND APPLICATION §  
OF ONCOR ELECTRIC DELIVERY §  
COMPANY LLC AND NEXTERA §  
ENERGY, INC. FOR REGULATORY §  
APPROVALS PURSUANT TO PURA §  
§§ 14.101, 39.262 AND 39.915 §

2016 NOV 18 PM 1:36  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**NEXTERA ENERGY, INC.'S RESPONSE TO  
TXU ENERGY RETAIL COMPANY LLC'S MOTION TO INTERVENE**

NextEra Energy, Inc. ("NextEra Energy") submits this timely response to TXU Energy Retail Company LLC's ("TXU Energy") Motion to Intervene, which was filed on November 14, 2016.

While NextEra does not oppose intervention by TXU Energy, it does reserve its right to object to certain employees or agents of TXU Energy who may seek access to confidential or highly sensitive commercial information that is deemed competitively sensitive pursuant to the Protective Order issued in this proceeding and the Texas Public Information Act.<sup>1</sup>

As stated in its motion to intervene, TXU Energy is a retail electric provider providing service in Oncor's service territory. As such, TXU Energy is a direct competitor of NextEra Energy subsidiary, Gexa Energy LP, which is also involved in the retail electric markets within the Electric Reliability Council of Texas, Inc. Consequently, TXU Energy's access to certain confidential and highly sensitive information that may be produced in this proceeding would create a clear competitive risk to NextEra Energy's business and financial interests, and disclosure of certain information to TXU Energy could be harmful to those interests.<sup>2</sup>

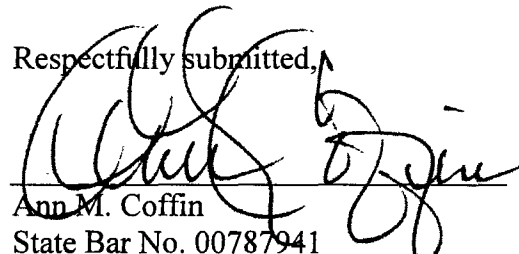
<sup>1</sup> Tex. Gov't Code Ann. §§ 552.001-.353 (Vernon 2012 & Supp. 2016).

<sup>2</sup> This protection was previously afforded Applicants in Docket No. 45188 and should be afforded to NextEra Energy in this proceeding under the same rationale. See *Joint Report and Application of Oncor Electric Delivery Company LLC, Ovation Acquisition I, LLC, Ovation Acquisition II, LLC, and Shary Holdings, LLC For Regulatory Approvals Pursuant to PURA §§14.101, 37.154, 39.262(I)-(M), and 39.915*, Docket No. 45188, Order No. 10 (Dec. 2, 2015) (limiting intervenor access to certain documents).

Thus, while NextEra Energy has no objection to the intervention of TXU Energy, NextEra Energy does reserve its right to object to the disclosure of information that would be detrimental to its competitive and financial position. In evaluating these issues, NextEra Energy assures the Commission that it will strive to balance the need for the Commission and all parties to conduct a thorough and complete review of the proposed transactions. NextEra Energy will also work with parties in an effort to resolve all discovery concerns without the need for Commission intervention.

Respectfully submitted,

By:



Ann M. Coffin  
State Bar No. 00787941  
Julie Caruthers Parsley  
State Bar No. 15544920  
Mark Santos  
State Bar No. 24037433  
Parsley Coffin Renner LLP  
P.O. Box 13366  
Austin, Texas 78711  
512.879.0900  
512.879.0912 (fax)  
ann.coffin@pcrllp.com  
julie.parsley@pcrllp.com  
mark.santos@pcrllp.com

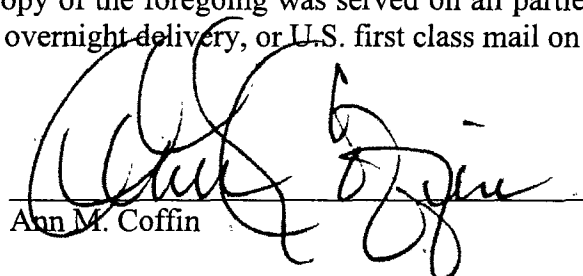
Steven Baron  
State Bar No. 01797200  
Steven Baron Consulting and Legal Services  
Post Office Box 5573  
Austin, Texas 78763  
512.535.3104  
512.479.8070 (fax)  
sbaron@baroncounsel.com

Charles E. Sieving  
Executive Vice-President and General Counsel  
NextEra Energy, Inc.  
700 Universe Boulevard  
Juno Beach, Florida 33408

**COUNSEL FOR NEXTERA ENERGY, INC.**

**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 18<sup>th</sup> day of November, 2016.



Ann M. Coffin