



Control Number: 48929



Item Number: 105

Addendum StartPage: 0

JOINT REPORT AND APPLICATION §
OF ONCOR ELECTRIC DELIVERY §
COMPANY LLC, SHARYLAND §
DISTRIBUTION & TRANSMISSION §
SERVICES, L.L.C., SHARYLAND §
UTILITIES, L.P., AND SEMPRA §
ENERGY FOR REGULATORY §
APPROVALS UNDER PURA §§ 14.101, §
37.154, 39.262, AND 39.915 §

RECEIVED
2019 JAN 24 PM 2:10

PUBLIC UTILITY COMMISSION
FILING CLERK

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**ONCOR’S STATEMENT OF CONFIDENTIALITY CONCERNING
RESPONSES TO OPUC’S FIRST REQUESTS FOR INFORMATION**

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 the Office of Public Utility Counsel’s (“OPUC’s”) First Requests for Information.

**I.
BACKGROUND**

Oncor’s responses to OPUC’s First Requests for Information contain Highly Sensitive Protected Materials (“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 because it contains confidential competitively-sensitive information, trade secret information, and commercial or financial information, the public disclosure of which would cause substantial competitive harm to Oncor or its parent and affiliates.

¹ Order No. 1 (Dec. 7, 2018).

² Administrative Procedure Act, Tex. Gov’t Code Ann. § 552.001-552.353 (West 2012 & Supp. 2018).

The Protected Material is considered confidential under Tex. Admin. Code § 25.272(c)(3), and is the type of sensitive business information that can be used only for the specified purposes in this Docket. 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.”

The Protected Material is further protected from public disclosure by the provisions of TPIA § 552.110(b), which exempts from public disclosure “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained” Oncor has taken measures to maintain the information that has been marked as Protected Material as confidential, both within and outside the company, and has not released this information other than pursuant to protective orders or confidentiality agreements. Broader dissemination will provide an advantage to the company’s competitors, suppliers, or customers, and thereby cause substantial competitive harm to the company.

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:

OPUC RFI No. 1, Question 1-2:

Oncor’s response to Question 1-2 includes rating agency update presentations prepared by Oncor and presented to rating agencies Moody’s Investors Service, Inc. and Standard & Poor’s Ratings Services that reference the Proposed Transactions.³ These documents contain proprietary and commercially-sensitive bidding information and confidential business and financial information. This confidential financial and commercial information is excepted from public disclosure under the TPIA as discussed above.

OPUC RFI No. 1, Question 1-3:

Oncor’s response to Question 1-3 includes email correspondence between Oncor and rating agencies Moody’s Investors Service, Inc., Standard & Poor’s Ratings Services, and Fitch Ratings, Ltd. that reference the Proposed Transactions and that transmit rating agency update

³ This refers to the Proposed Transactions as defined in the Joint Report and Application filed November 30, 2018 in this proceeding, unless stated otherwise.

information, presentations, reports, and drafts of same. These communications and documents contain proprietary and commercially-sensitive bidding information and confidential business and financial information. This confidential financial and commercial information is excepted from public disclosure under the TPIA as discussed above.

OPUC RFI No. 1, Question 1-5:

Oncor's response to Question 1-5 includes email correspondence from Oncor to investment analysts that reference the Proposed Transactions and/or any alternatives to the Proposed Transactions and that transmit materials, including drafts and duplicates thereof, discussing the Proposed Transactions and/or any alternatives to the Proposed Transactions. These communications and documents contain proprietary and commercially-sensitive bidding information and confidential business and financial information. This confidential financial and commercial information is excepted from public disclosure under the TPIA as discussed above.

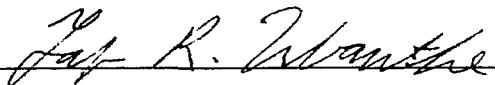
OPUC RFI No. 1, Question 1-6:

Oncor's response to Question 1-6 includes email correspondence from investment analysts to Oncor that reference the Proposed Transactions and/or any alternatives to the Proposed Transactions and that transmit materials, including drafts and duplicates thereof, discussing the Proposed Transactions and/or any alternatives to the Proposed Transactions. These communications and documents contain proprietary and commercially-sensitive bidding information and confidential business and financial information. This confidential financial and commercial information is excepted from public disclosure under the TPIA as discussed above.

**III.
CONCLUSION AND PRAYER**

WHEREFORE, PREMISES CONSIDERED, Oncor requests that the Public Utility Commission of Texas accept this Statement of Confidentiality and grant Oncor such other relief to which it may show itself justly entitled.

Respectfully submitted,

By: 

Jo Ann Biggs
State Bar No. 02312400
Jaren A. Taylor
State Bar No. 24059069
Vinson & Elkins LLP
2001 Ross Avenue, Suite 3900
Dallas, Texas 75201
214.220.7735
214.999.7735 (fax)
jbiggs@velaw.com
jarentaylor@velaw.com

Tab R. Urbantke
State Bar No. 24034717
Lauren Freeland
State Bar No. 24083023
Hunton Andrews Kurth LLP
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202
214.979.3095
214.880.0011 (fax)
turbantke@HuntonAK.com
lfreeland@HuntonAK.com

Matthew C. Henry
Senior Vice President, General Counsel,
and Secretary
Oncor Electric Delivery Company LLC
1616 Woodall Rodgers Freeway
Dallas, Texas 75202
matt.henry@oncor.com

ATTORNEYS FOR ONCOR ELECTRIC DELIVERY COMPANY LLC

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served on all parties of record in this proceeding on this the 24th day of January, 2019.

