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APPLICATION OF CENTERPOINT § BEFORE THE STATE OFFICE
ENERGY HOUSTON ELECTRIC, §
LLC FOR AUTHORITY TO CHANGE §
RATES § OF
§ ADMINISTRATIVE HEARINGS

**STATEMENT OF H-E-B, LP CONCERNING HIGHLY SENSITIVE
PROTECTED MATERIALS INCLUDED IN THE DIRECT TESTIMONY OF
GEORGE PRESSES**

COMES NOW H-E-B, LP ("H-E-B") and files this statement, pursuant to Paragraph 4 of the Protective Order in this case, in support of the exemption from public disclosure of certain materials provided in the above-referenced proceeding and respectfully shows the following:

The Direct Testimony of George Presses, filed June 6, 2019 on behalf of H-E-B, includes exhibits containing highly sensitive and confidential information that is exempted from disclosure under the Texas Public Information Act ("TPIA"), Tex. Gov't Code § 552 and merits Highly Sensitive Protected Materials designation. TPIA § 552.110(a) protects trade secret information from public disclosure and § 552.110(b) exempts commercial or financial information from disclosure requirements if its release would cause substantial competitive harm to the person from whom the information was obtained. H-E-B is a San Antonio-based company that operates 400 stores in Texas and Mexico. Direct competitors of H-E-B are participating in this proceeding, which elevates the importance of protecting H-E-B's information from disclosure.

Each of Exhibits GWP-1 and GWP-2 include H-E-B's internal records of electric power outages and usage data, including information specific to individual H-E-B facilities

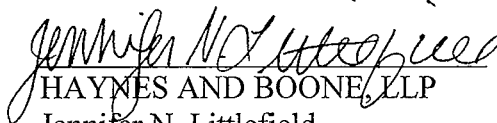
that is protected information under PURA¹ § 32.101(c). Exhibit GWP-1 is a spreadsheet containing information describing the frequency and duration of electric power outages that H-E-B has experienced at its facilities. The data is proprietary and trade secret information because it includes the name and address of each facility where H-E-B has installed on-site generation. Similarly, Exhibit GWP-2 is a spreadsheet containing information describing the financial impact that power outages have had on H-E-B facilities that *do not have* on-site generation. The data includes the name and address of the facilities, as well as detailed information describing the cost and nature of H-E-B's loss calculations for each power outage that occurred in 2018.

H-E-B has made strategic capital investments to develop on-site generation to maintain the ability to serve its customers during electric power outages. Release of Exhibits GWP-1 and GWP-2 would allow H-E-B's competitors access to information about where H-E-B has or has not made capital investments. Allowing competitors of H-E-B to have an understanding of H-E-B's operations and capital investments would cause substantial competitive harm to H-E-B.

Counsel for H-E-B has reviewed the above-described information sufficiently to state in good faith that the information contained in Exhibits GWP-1 and GWP-2 is exempt from public disclosure under the TPIA and merits the Highly Sensitive Protected Materials designation. Contemporaneously with this filing and in accordance with the Protective Order, H-E-B has submitted an unredacted copy of the Highly Sensitive Protected Materials to the Administrative Law Judges and to parties who have signed the required

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016 ("PURA").

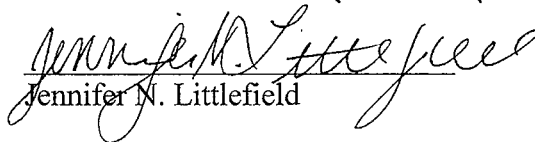
Protective Order Certifications. Additionally, H-E-B will provide unredacted copies of the Highly Sensitive Protected Materials under seal during the hearing on the merits.


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ATTORNEYS FOR H-E-B, LP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on counsel for the parties of record on June 6, 2019.


Jennifer N. Littlefield