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

**STATEMENT OF H-E-B, LP CONCERNING HIGHLY SENSITIVE
PROTECTED MATERIALS INCLUDED IN H-E-B'S RESPONSE TO
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S FIRST REQUEST
FOR INFORMATION**

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 materials contained in H-E-B's Response to CenterPoint Energy Houston Electric, LLC's ("CenterPoint") First Request for Information, filed June 10, 2019, includes an exhibit 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.


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Specifically, Exhibit H-E-B-CenterPoint 1-1 contains H-E-B's internal records and related correspondence 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 H-E-B-CenterPoint 1-1 also includes spreadsheets containing information describing the frequency and duration of electric power outages that H-E-B has experienced at its facilities, both with and without on-site generation. Finally, the materials include spreadsheets containing information describing the financial impact that power outages have had on H-E-B facilities, including the name and address of the facilities, as well as detailed information describing the cost and nature of H-E-B's loss calculations.

The data is proprietary and trade secret information because it includes the name and address of facilities where H-E-B has installed on-site generation. 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 Exhibit H-E-B-CenterPoint 1-1 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 Exhibit H-E-B-CenterPoint 1-1 is exempt from public disclosure under the TPIA and merits the Highly Sensitive Protected Materials designation.

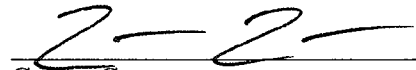
¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016 ("PURA").


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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 11, 2019.


Carlos Carrasco