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SOAH DOCKET NO. 473-19-6677  
PUC DOCKET NO. 49831

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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE  
PUBLIC SERVICE COMPANY FOR § OF  
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

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SOUTHWESTERN PUBLIC SERVICE COMPANY'S  
INDEX OF DOCUMENTS CONTAINING  
CONFIDENTIAL OR HIGHLY SENSITIVE PROTECTED MATERIALS  
RESPONSIVE TO THE OFFICE OF PUBLIC UTILITY COUNSEL'S  
SECOND REQUEST FOR INFORMATION  
QUESTION NOS. 2-1, 2-2, 2-4, 2-7, AND 2-12  
(Filename: OPUC2ndConfHSIndex.doc; Total Pages: 8)

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CONFIDENTIAL OR HIGHLY SENSITIVE PROTECTED MATERIALS  
RESPONSIVE TO THE OFFICE OF PUBLIC UTILITY COUNSEL'S  
SECOND REQUEST FOR INFORMATION**

In accordance with Paragraph 4 of the Protective Order in this docket, Southwestern Public Service Company ("SPS") files this index of documents containing Confidential Information or Highly Sensitive Confidential Information responsive to the Office of Public Utility Counsel's ("OPUC") Second Request for Information, Question Nos. OPUC 2-1, 2-2, 2-4, 2-7, and 2-12 and states the following in support.

An index of the documents containing Confidential Information or Highly Sensitive Confidential Information is attached as Exhibit A. This index indicates for each document: (a) the designation of information as Confidential or Highly Sensitive; (b) a description of the document; (c) the applicable exemptions under the Public Information Act of Texas; (d) an explanation of the designation of Confidential or Highly Sensitive; and (e) certification that the designation is made in good faith.

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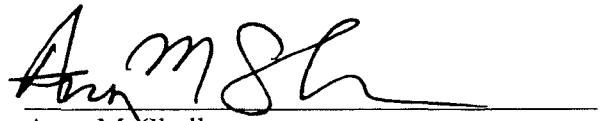
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## EXHIBIT A – INDEX OF DOCUMENTS

### 1. Exhibit SPS-OPUC 2-1(HS)

- (a) **Designation of Information:** Highly Sensitive Material
- (b) **Description of Document:** Sagamore Service, Maintenance & Warranty Agreement, August 30, 2019 between SPS and Vestas-American Wind Technologies
- (c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101, 552.104, and 552.110
- (d) **Explanation of Designation:** This exhibit is a copy of the Service, Maintenance and Warranty Agreement that covers the operation and maintenance (“O&M”) services associated with the wind turbines purchased by SPS for the Sagamore Wind Project. Vestas is the original equipment manufacturer and will provide the O&M services. The agreement sets forth terms and conditions between SPS and Vestas including but not limited to, performance obligations, service obligations, proprietary rights of the supplier, and fee and payment terms. The agreement contains specific terms and conditions that are confidential, including pricing, engineering, and operational information. Public disclosure of this information could put SPS/Xcel Energy and Vestas at a competitive disadvantage when negotiating future wind energy agreements. Public disclosure of the agreement could also subject SPS/Xcel Energy to contractual liability under the terms of the agreement. Finally, the agreement also contains engineering and technical specifications that are protected under the trade secret privilege in Rule 507 of the Texas Rules of Civil Evidence, which is made applicable to the discovery process by Rule 192.3 of the Texas Rules of Civil Procedure.
- (e) **Certification of Counsel:** The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

## **2. Exhibit SPS-OPUC 2-2(HS)**

- (a) **Designation of Information:** Highly Sensitive Material
- (b) **Description of Document:** Invoices related to SPS/Vestas-American Wind Technologies Service Agreement – Hale Wind Project
- (c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101 and 552.104
- (d) **Explanation of Designation:** This exhibit contains copies of Vestas invoices for O&M services under the Service, Maintenance and Warranty Agreement for the Hale Wind Project. The exhibit contains confidential pricing information. Public disclosure of this information could put SPS/Xcel Energy and Vestas at a competitive disadvantage when negotiating future wind energy agreements and could also subject SPS/Xcel Energy to contractual liability under the terms of the agreement.
- (e) **Certification of Counsel:** The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

## **3. Exhibit SPS-OPUC 2-4(HS)**

- (a) **Designation of Information:** Highly Sensitive Material
- (b) **Description of Document:** Exhibit L to Turbine Supply Agreement between Southwestern Public Service Company and Vestas-American Wind Technology, Inc., dated June 15, 2018
- (c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101 and 552.110

- (d) **Explanation of Designation:** This exhibit is a copy of Exhibit L to the Turbine Supply Agreement between SPS and Vestas for the purchase of additional turbines to complete the development of the Hale Wind Project and deliver the turbines to the project site. This exhibit provides: (a) the location of each turbine; (b) a description of each turbine; and (c) the serial number for each turbine. This exhibit, as part of the Turbine Supply Agreement, contains specific operational information that is confidential. Public disclosure of this information could put SPS/Xcel Energy and Vestas at a competitive disadvantage when negotiating future wind turbine purchases and could also subject SPS/Xcel Energy to contractual liability under the terms of the agreement.
- (e) **Certification of Counsel:** The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

**4. Exhibit SPS-OPUC 2-7.2(CONF)**

- (a) **Designation of Information:** Confidential Material
- (b) **Description of Document:** Coal procurements for period January 2015 through March 2018 by plant
- (c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101 and 552.104
- (d) **Explanation of Designation:** This exhibit summarizes fuel purchases at Tolk and Harrington Stations by volume and cost per unit during the period January 2015 through March 2018. This exhibit contains contractual information pertaining to contracts involving the procurement of coal for SPS's Tolk and Harrington Stations that specify that certain terms, including pricing, are confidential. Public disclosure of these terms could subject SPS/Xcel Energy to contractual liability and could give an advantage to a competitor or bidder.

(e) **Certification of Counsel:** The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

**5. Exhibit SPS-OPUC 2-12(c)(CONF)**

(a) **Designation of Information:** Confidential Material

(b) **Description of Document:** Employee AIP and Innovator awards for calendar year 2018

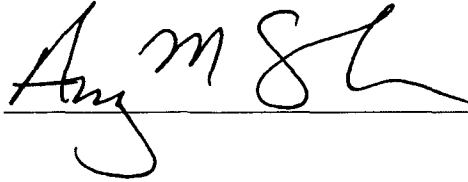
(c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101 and 552.110

(d) **Explanation of Designation:** This exhibit contains AIP and Innovator awards, as well as awards as percentage of targets, for calendar year 2018 by employee. This exhibit provides compensation information for individual employees. Public disclosure of this information would reveal confidential salary details for individual SPS and XES employees.

(e) **Certification of Counsel:** The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

**CERTIFICATE OF SERVICE**

I certify that on the 22nd day of October 2019, a true and correct copy of the foregoing instrument was served on all parties of record by electronic service and by either hand delivery, Federal Express, regular first class mail, certified mail, or facsimile transmission.

  
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