



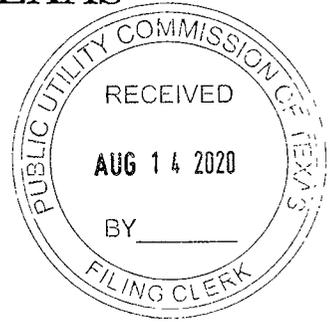
Control Number: 51023



Item Number: 27

Addendum StartPage: 0

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 50792

STATE OF TEXAS  
COUNTY OF Val Verde

Before me, the undersigned authority, on this day personally appeared David Rupkalvis

who being by me duly sworn, deposes and that (s)he is the  
Publisher of the Del Rio News-Herald  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in Val Verde County  
(COUNTY/COUNTIES)

and generally circulated in Val Verde County, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

August 5, 2020 & August 12, 2020  
(DATES)

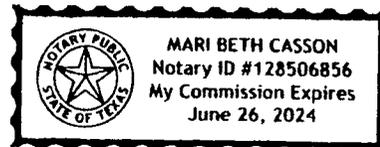
David Rupkalvis  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this 14<sup>th</sup> day of August, 2020,  
to certify which witness my hand and seal of office.

Mari Beth Casson  
Notary Public in and for the State of Texas

Mari Beth Casson  
Print or Type Name of Notary Public

Commission Expires 6-26-2024



0230 Public Notices									
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**Notice for Publication**  
 Docket No. 50792  
**NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF WATER UTILITY SERVICE AND CANCELLATION CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 13179 IN VAL VERDE COUNTY, TEXAS**  
 Val Verde Utility Company, LLC, has filed a petition with the Public Utility Commission of Texas to cease operations, discontinue providing water service, and cancel its water Certificate of Convenience and Necessity (CCN) No. 13179 in Val Verde County, Texas. The proposed effective date of this action is August 18, 2020. There are no customers in the service area. Therefore, there will be no effect on any customers due to the cessation of operations.  
 The requested area is located approximately 3 miles west of downtown Del Rio, Texas, and is generally bounded on the north by US Highway 90, on the east by Laughlin Drive and Laughlin Air Force Base, on the south by US Highway 277, and on the west by US Highway 277.  
 The total requested area includes approximately 3.103 acres and 0 current customers.  
 A copy of the map showing the requested area is available at 922 Isom Road, STE 105, San Antonio, Texas 78216.  
 The utility will not sell any facilities as there are none located within the service area. The owner Val Verde Utility Company, LLC, may be contacted at: 922 Isom Road, STE 105, San Antonio, Texas 78216 or by telephoning: (210) 222-1500.  
 Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (855) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.  
 If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached, and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.  
 Si desea informacion en español, puede llamar al 1-888-782-8477

**PUBLIC NOTICE: VAL VERDE COUNTY REQUEST FOR COMPETITIVE SEALED BIDS**  
 VAL VERDE COUNTY, TEXAS is soliciting competitive Sealed Bids for (1) Used 2012-2015 Motor Grader 672G John Deere or equivalent. Bids will be received by the County purchasing agent at the Val Verde County Purchasing Department, 3rd Floor, Val Verde County Courthouse, 400 Pecan Street, Del Rio, Texas 78840 until 2:00 PM, on the 20th day of August, 2020.  
 Instructions to bidders: Bid packet is available on the County Web Site at <http://www.valverdecountry.texas.gov> Business Tab - Bid Opportunities. Bidders may also request information from Purchasing Dept., Val Verde County Courthouse, 400 Pecan St., 3rd Floor, Del Rio, Texas 78840. Phone: 830-774-7500 or E-mail: [gsanchez@valverdecountry.texas.gov](mailto:gsanchez@valverdecountry.texas.gov)  
 Interested parties should hand deliver or mail Sealed Bids to: Guillermo Sanchez, Purchasing Agent, Val Verde County Courthouse, 400 Pecan Street, 3rd Floor, Del Rio, Texas 78840.  
**Proposals must be in a sealed envelope and marked: "Proposals to be opened Tuesday, August 20, 2020 Used Motor Grader Bid Number 20-007"**  
 Sealed bids should be turned in before 2:00 PM, on the 20th day of August, 2020. Bids received after 2:00 PM, on the 20th day of August, 2020, will not be accepted.  
 An award may be made by the Val Verde County Commissioner's Court during a Commissioner's Court meeting held after the bid closing date.  
 The County reserves the right to accept or reject any or all bids and to waive formalities. In case of ambiguity in stating the price in the bid, the County reserves the right to consider the most advantageous bid or to reject any bids. The County of Val Verde in their sole judgment determines what is in the County's best interest and benefit.

**Help Wanted**  
 A confidential transportation company is seeking a candidate for warehouse shipping/receiving functions as well as light duty office work.  
 \*Hourly position  
 \*Forklift experience required, min 3-5 years  
 \*English/Spanish speaking individual  
 \*Monday-Friday, some Saturdays  
 \*Email resume to the following email: [perlanad@gmail.com](mailto:perlanad@gmail.com)  
 11 Lots at corner of Elyrow & Skyline by the Lake. 21 lots behind 2 Guys Marine. 2 acres & 3 acres in Fough Canyon on Arapahoe Dr. Owner financed w/ \$2000 down & \$500 per mo. Please call and leave message 830-765-6158  
**0230 Mobile Homes For Rent**  
 3bd / 2ba  
 6522 E. US Hwy 90  
 \$525-500  
 Call (830) 313-3150  
**0230 Homes For Rent**  
 4bd / 2 ba  
 Available August 15  
 Call 774-0761  
 604 Holt St  
 3bd / 2ba  
 Den / Carport  
 600sqft / 1020sqft  
 918-619-3030  
 830-422-0729  
**0230 Apartments**  
 1br/1ba APT, water/sewer/trashable pd, with appliances.  
 Housing OK.  
 300/595  
 Call 830-778-1712  
**ONE MONTH FREE 11ba & 21ba Corporate Apartment**  
 Fully furnished  
 All Bills paid  
 830-774-0761  
**0230 Tenements**  
 2Bdrm & 1 1/2 Bdrm, carpet, WD included  
 Buck piles/No pets  
 Call 830-765-9300  
**0230 Misc. Services**  
 Free Training  
 Free Estimates  
 (830) 313-3039  
 (830) 765-9411  
**0230 Misc. Services**  
 Tree Trimming  
 Free Estimates  
 (830) 313-3039  
 (830) 765-9411  
**0230 Misc. Services**  
 Put extra dollars in your pocket, sell something with a low cost Classified Ad 830-775-1551  
**0230 Misc. Services**  
 Need professional and quality cleaning for your home or business at an affordable price  
 Contact is today! [thejancrew@30@gmail.com](mailto:thejancrew@30@gmail.com) or call (917)713-3070  
**0230 Misc. Services**  
 Want Results? always rely on the Classifieds (830) 775-1551  
**0230 Misc. Services**  
 New Business in Town! Tree Trimming on Palm trees! FREE ESTIMATES! INSURED Luis Garcia Cell (214)41-8027 Office (830)734-2429  
**0230 Misc. Services**  
 Garage Sales begin here!!! (830)775-1551  
**0230 Misc. Services**  
 Tellex Roofing & Construction General Contracting GO local. Our work is backed up with a three year workmanship warranty. Serving Del Rio for over 30 years. Roofing, Flamingo, Framing 830-734-0229 830-734-4515  
**0230 Misc. Services**  
 We are looking for a new career? Look no further than the Del Rio News-Herald Classifieds! With the latest job openings and contact information at your fingertips you can achieve anything!  
**0230 Misc. Services**  
 ALNC Inc. Steel Fabrication  
 We are looking for PRODUCTION LINE WELDERS  
 GENERAL LABOR  
 QUALITY CONTROL TECH LEVEL 1  
 Please apply in person at: 297 Industrial Blvd Del Rio, TX 78840.  
 www.DelRioNursingKahab.com  
 They can apply online @ [www.kahabnurses.com/unites.com](http://www.kahabnurses.com/unites.com) or call 830-775-2459  
**0230 Misc. Services**  
 Family1 Texas Service Life Insurance Company seeks Renewed Sales Agents to work with well-respected funeral homes in Del Rio Texas area  
 We want to find individuals who are passionate and self-motivated, have a positive attitude and professional appearance, enjoy helping families in their community, and take ownership in all that they do.  
 If that describes you, we should talk!  
 Sales experience is not required  
 We offer comprehensive training, assistance in becoming a licensed agent, strong marketing support, and a competitive commission structure.  
 Fluency in both English and Spanish is a huge plus, but not required.  
 Please submit your resume to: [blaw@family1.com](mailto:blaw@family1.com) or call 830-765-1100.  
**0230 Misc. Services**  
 Cleaning Services  
 Tree Trimming  
 Flooring  
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**TLC Adult Day Care Center**  
**NOW HIRING**  
**Part-Time Attendant Driver**  
 Must have clear driving record.  
 Apply in person during morning hours of 9:00am to 12:00 noon Monday thru Friday at 822 South Main Street, Del Rio, TX 78840  
 Or Fax resume to: 830-775-3515  
 Or: Contact Vicki Bingham @ 830-768-0514

**J. MOORE LUMBER**  
 seeking YARD WORKER/ DRIVER  
 CDL preferred, Valid license required.  
 Must be available to work 7:30 AM-5:00 PM Mon-Fri & 8 AM-12 PM Sat  
 Competitive salary + benefits.  
 Background checks required.  
 Applications can be picked up at #1 Moore Street in Del Rio or email [hr@ljmoprelumber.com](mailto:hr@ljmoprelumber.com).

**Help Wanted**  
**Evening/Night Attendant Transportation Specialist**  
 Must have valid DL & able to lift 200lbs  
 Full- Time & willing to work weekends.  
 References would be appreciated.  
 Bilingual preferred  
 \$13 per hour  
**No Visits, must call (830) 775-2230**

**0230 Misc. Services**  
 Ebook COORDINATOR & BROWSING For Sale from GooglePlay 99c Nuclear war is imminent! (Ch.G)  
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 1975 Starcraft Galaxy 8 Popop trailer for sale. Good condition and ready to use. Sleeps 8 Call (830) 313-1563  
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 Free Training Free Estimates (830) 313-3039 (830) 765-9411  
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**Now Hiring!**  
**DIETARY COOK-AIDE LAUNDRY/HOUSEKEEPER**  
 We offer great benefits: Competitive compensation, Bonus Plan, PTO, Tuition Reimbursement, Matching 401(K), Health & Dental Available, Life & Supplemental Insurances & Team Member Chaplain Services  
[www.DelRioNursingKahab.com](http://www.DelRioNursingKahab.com)  
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 With the latest job openings and contact information at your fingertips you can achieve anything!

**DEL RIO NEWS-HERALD**

8030 Public Notices 8031 Public Notices 8032 Public Notices 8033 Public Notices 8034 Public Notices 8035 Public Notices 8036 Public Notices 8037 Public Notices 8038 Public Notices 8039 Help Wanted: Full-Time

## NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The San Felipe Del Rio CISD will hold a public meeting on Wednesday, August 12, 2020 at 5:00 PM, 3500 Student Performance Center and Administration Building, 215 Center St., Del Rio, TX 78840. The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes an addendum containing the same information and comparisons set out below. Hold another public meeting to discuss the revised notice.

Maintenance Tax	\$0.0200/\$1000 (proposed rate for maintenance and operations)
School Debt Service Tax	\$0.0700/\$1000 (proposed rate to pay bonded indebtedness)
Approved by Local Voters	

Comparison of Proposed Budget with Last Year's Budget		
The applicable percentage increase or decrease for differences in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins on the current tax year is calculated for each of the following expenditure categories:		
Maintenance and operations	-1.27% decrease	
Debt Service	6.56% increase	
Total Combinations	12.79% decrease	

Total Approved Value and Total Taxable Value (as calculated under Section 31.04, Tax Code)		
	Preceding Tax Year	Current Tax Year
Total approved value** of all properties	\$2,657,874,373	\$3,129,079,784
Total taxable value** of new properties***	\$6,367,120	\$72,707,990
Total taxable value** of all properties	\$2,664,241,493	\$3,201,787,774
Total taxable value*** of new properties***	\$3,944,384	\$33,219,707

Comparison of Proposed Rates with Last Year's Rates			
	Interest & Operations	Local Revenue	State Revenue
Last Year's Rate	\$1,877.60	\$2,000.00	\$1,877.60
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$2,000.00	\$2,000.00	\$2,000.00

Comparison of Proposed Levy with Last Year's Levy on Average Residence		
	Last Year	This Year
Average Market Value of Residences	\$99,863	\$105,270
Average Taxable Value of Residences	\$14,484	\$15,086
Last Year's Total Average Residence Tax per \$100 Value	\$0.00224	\$0.00200
Proposed Total Average Residence Tax per \$100 Value	\$0.00200	\$0.00200

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is \$1.874129. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of \$1.874129.

**Land Balances**  
The following estimated balances will appear on the end of the current fiscal year and are not encumbered with or by a corresponding debt which would have constituted funds necessary for operating the district before receipt of the next state and federal monies.  
Maintenance and operations Fund (all funds) \$5,499,602  
Interest & Bonding Fund (all funds) 50

## Notice for Publication

NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF WATER UTILITY SERVICE AND CANCELLATION CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 13179 IN VAL VERDE COUNTY, TEXAS

Val Verde Utility Company, LLC, has filed a petition with the Public Utility Commission of Texas to cease operations, discontinue providing water service, and cancel its water Certificate of Convenience and Necessity (CCN) No. 13179 in Val Verde County, Texas. The proposed effective date of this action is August 18, 2020. There are no customers in the service area. Therefore, there will be no effect on any customers due to the cessation of operations.

The requested area is located approximately 3 miles west of downtown Del Rio, Texas, and is generally bounded on the north by US Highway 90, on the east by Laughlin Drive and Laughlin Air Force Base, on the south by US Highway 277, and on the west by US Highway 277.

The total requested area includes approximately 3,103 acres and 0 current customers. A copy of the map showing the requested area is available at: 922 Isom Road, STE 105, San Antonio, Texas 78216.

The utility will not sell any facilities as there are none located within the service area. The owner Val Verde Utility Company, LLC, may be contacted at: 922 Isom Road, STE 105, San Antonio, Texas 78216 or by telephoning: (210) 222-1500.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-0326, or call the Public Utility Commission at (512) 936-7120 or (800) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7126. The deadline for intervention in the proceeding is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached, and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-800-782-8477

## PUBLIC NOTICE INVITATION TO SUBMIT

San Felipe Del Rio Consolidated Independent School District  
Request for Qualifications: 21-01  
Description: GeoTechnical and Materials Testing  
Opening Date: Tuesday, 1 September 2020 at 2:00 p.m.

Proposals will be accepted at the Purchasing Department, 315 Griner Street, Del Rio, Texas 78842, until the time and date indicated on each number. Proposal forms and specifications can be secured at the above address between the hours of 8:00 A.M. and 4 P.M., Monday through Friday.

### Homes for Sale?



Find your future career in the Del Rio News-Herald Classifieds!

8030 Public Notices 8031 Public Notices 8032 Public Notices 8033 Public Notices 8034 Public Notices 8035 Public Notices 8036 Public Notices 8037 Public Notices 8038 Public Notices 8039 Help Wanted: Full-Time

## Public Notice Val Verde County

A public hearing will be conducted at 1:30 p.m. on Thursday, August 20, 2020, at 1:30 p.m. in the District Courtroom of the Val Verde County Judicial Center, located at 100 E. Broadway, 2nd Floor, in Del Rio, Texas. The hearing concerns the setting of the amount of annual compensation of the following positions: Val Verde County Auditor and Assistant County Auditors; Val Verde County Purchasing Agent; and the Court Reporters for the 83rd and 83rd Judicial District Courts respectively. At that date and time, parties in interest and citizens shall have an opportunity to be heard.

## BUSINESS & SERVICES

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@gmail.com  
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Office (832) 734-2420

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General Contracting  
GO local. Our work is backed up with a three year workmanship warranty.

Serving Del Rio for over 30 years. Framing, Remodeling, Fire, Ins.

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8030 Help Wanted: Full-Time 8031 Help Wanted: Full-Time 8032 Help Wanted: Full-Time 8033 Help Wanted: Full-Time 8034 Help Wanted: Full-Time 8035 Help Wanted: Full-Time 8036 Help Wanted: Full-Time 8037 Help Wanted: Full-Time 8038 Help Wanted: Full-Time 8039 Help Wanted: Full-Time

## Family1

Texas Service Life Insurance Company seeks Proneed Sales Agents to work with well-respected funeral homes in Del Rio Texas area.

We want to find individuals who are passionate and self-motivated, have a positive attitude and professional appearance, enjoy helping families in their community, and take ownership in all that they do.

If that describes you, we should talk!

Sales experience is not required. We offer comprehensive training, assistance in becoming a licensed agent, strong marketing support, and a competitive commission structure. Fluency in both English and Spanish is a huge plus, but not required.

Please submit your resume to: [blancatrlc.com](mailto:blancatrlc.com) or call 830-765-1100.

## TJ MOORE LUMBER

seeking YARD WORKER/ DRIVER

CDL preferred, Valid license required.

Must be available to work 7:30 AM-5:00 PM Mon-Fri & 8 AM-12 PM Sat.

Competitive salary + benefits.

Background checks required.

Applications can be picked up at #1 Moore Street in Del Rio or email [hr@tjmoorelumber.com](mailto:hr@tjmoorelumber.com).

## Help Wanted

A confidential transportation company is seeking a candidate for warehouse shipping/receiving functions as well as light duty office work.

Hourly position

\*Forklift experience required, min 3-5 years

\*English/Spanish speaking individual

\*Monday-Friday, some Saturdays

\*Email resume to the following email: [jemilinnod@gmail.com](mailto:jemilinnod@gmail.com)

## Help Wanted

Full time position open with local home builder. Must have license and transportation. Experience will be considered but not necessary. Please call 830-719-1935

## Help Wanted

3 Large Dbl / 1 Bn 6/75-5200 (830) 555-8156

## Help Wanted

4bd/2 ba Available August 15 Call 774-0761

## Help Wanted

1br/1ba APT, water/sewer, tradable pd, with appliances, Housing OK-300555 Call 830-778-1712

## Help Wanted

ONE MONTH FREE 1/ba & 2/ba 8brm Corporate Apartment Fully furnished All Bills paid 830-774-0761

## Help Wanted

2Bdrm 1 1/2 Bthrm, carpet, WD included Back patio/No pets Call 830 765-9500

## Help Wanted

For Sale in Del Rio 1995 Dodge W-250 144 S Speed Diesel Real good condition, Call for specs 515-000 Firm (210) 749-0158

8030 Help Wanted: Full-Time 8031 Help Wanted: Full-Time 8032 Help Wanted: Full-Time 8033 Help Wanted: Full-Time 8034 Help Wanted: Full-Time 8035 Help Wanted: Full-Time 8036 Help Wanted: Full-Time 8037 Help Wanted: Full-Time 8038 Help Wanted: Full-Time 8039 Help Wanted: Full-Time

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**PUC DOCKET NO. 51023**

<b>APPLICATION OF THE CITY OF SAN ANTONIO TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE SCENIC LOOP 138-KV TRANSMISSION LINE IN BEXAR COUNTY</b>	<b>§ § § § § §</b>	<b>BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS</b>
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**CPS ENERGY'S  
MOTION FOR ENTRY OF A PROTECTIVE ORDER**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW the City of San Antonio, acting by and through the City Public Service Board ("CPS Energy") and files this Motion for Entry of a Protective Order, pursuant to 16 Tex. Admin. Code § 22.142(c), requesting the entry of a protective order in this proceeding in order to facilitate discovery of confidential information that should be protected from public disclosure. A form of protective order is attached here to as Attachment 1. The attached form of protective order is based on orders adopted in other Public Utility Commission of Texas proceedings. CPS respectfully requests that the attached protective order be adopted for use in this proceeding.

Respectfully submitted,

/s/ Kirk Rasmussen  
Kirk D. Rasmussen  
State Bar No. 24013374  
Craig R. Bennett  
State Bar No. 00793325  
Alisha Mehta  
State Bar No. 24102190  
Jackson Walker LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
(512) 691-4427 (fax)  
Email: [krasmussen@jw.com](mailto:krasmussen@jw.com)  
Email: [cbennett@jw.com](mailto:cbennett@jw.com)

**ATTORNEYS FOR CPS ENERGY**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record on this date via the Commission's Interchange in accordance with the Commission's order in Docket No. 50664 suspending PUC Procedural Rule 22.74.

/s/ Kirk Rasmussen  
Kirk D. Rasmussen

PUC DOCKET NO. 51023

APPLICATION OF THE CITY OF SAN	§	BEFORE THE
ANTONIO TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE AND	§	PUBLIC UTILITY COMMISSION
NECESSITY FOR THE SCENIC LOOP	§	
138-KV TRANSMISSION LINE IN	§	OF TEXAS
BEXAR COUNTY	§	

PROTECTIVE ORDER

This Protective Order shall govern the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials), including information whose confidentiality is currently under dispute, by a party providing information to the Public Utility Commission of Texas (Commission) or to any other party to this proceeding.

It is ORDERED that:

1. **Designation of Protected Materials.** Upon producing or filing a document, including, but not limited to, records on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face “PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 51023” (or words to this effect) and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include the documents so designated, as well as the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.
2. **Materials Excluded from Protected Materials Designation.** Protected Materials shall not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Public Information Act.<sup>1</sup> Protected Materials also shall not include documents or information which at the time of, or prior to disclosure in, a proceeding is or was public knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order.
3. **Reviewing Party.** For the purposes of this Protective Order, a “Reviewing Party” is any party to this docket.

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<sup>1</sup> Tex. Gov’t Code Ann. § 552.001-.353.

4. **Procedures for Designation of Protected Materials.** On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party shall file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (a) any exemptions to the Public Information Act claimed to apply to the alleged Protected Materials; (b) the reasons supporting the producing party's claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (c) that counsel for the producing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.
5. **Persons Permitted Access to Protected Materials.** Except as otherwise provided in this Protective Order, a Reviewing Party may access Protected Materials only through its "Reviewing Representatives" who have signed the Protective Order Certification Form (see Attachment A). Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in this proceeding. At the request of the PUC Commissioners, copies of Protected Materials may be produced by Commission Staff. The Commissioners and their staff shall be informed of the existence and coverage of this Protective Order and shall observe the restrictions of the Protective Order.
6. **Highly Sensitive Protected Material Described.** The term "Highly Sensitive Protected Materials" is a subset of Protected Materials and refers to documents or information that a producing party claims is of such a highly sensitive nature that making copies of such documents or information or providing access to such documents to employees of the Reviewing Party (except as specified herein) would expose a producing party to unreasonable risk of harm. Highly Sensitive Protected Materials include but are not limited to: (a) customer-specific information protected by § 32.101(c) of the Public Utility Regulatory Act;<sup>2</sup> (b) contractual information pertaining to contracts that specify that their terms are confidential or that are confidential pursuant to an order entered in litigation to which the producing party is a party; (c) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; and (d) business operations or financial information that is

commercially sensitive. Documents or information so classified by a producing party shall bear the designation “HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 51023” (or words to this effect) and shall be consecutively Bates Stamped. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party’s designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

7. **Restrictions on Copying and Inspection of Highly Sensitive Protected Material.** Except as expressly provided herein, only one copy may be made of any Highly Sensitive Protected Materials except that additional copies may be made to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. The Reviewing Party shall maintain a record of all copies made of Highly Sensitive Protected Material and shall send a duplicate of the record to the producing party when the copy or copies are made. The record shall specify the location and the person possessing the copy. Highly Sensitive Protected Material shall be made available for inspection only at the location or locations provided by the producing party, except as specified by Paragraph 9. Limited notes may be made of Highly Sensitive Protected Materials, and such notes shall themselves be treated as Highly Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.
8. **Restricting Persons Who May Have Access to Highly Sensitive Protected Material.** With the exception of Commission Staff, the Office of the Attorney General (OAG), and the Office of Public Utility Counsel (OPC), and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are (a) outside counsel for the Reviewing Party, (b) outside consultants for the Reviewing Party working under the direction of Reviewing Party’s counsel, or (c) employees of the Reviewing Party working with and under the direction of Reviewing Party’s counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party shall limit the number of Reviewing Representatives that review Highly

Sensitive Protected Materials to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for Commission Staff, OAG, and OPC, for the purpose of access to Highly Sensitive Protected Materials, shall consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.

9. **Copies Provided of Highly Sensitive Protected Material.** A producing party shall provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8. Representatives of the Reviewing Party who are authorized to view Highly Sensitive Protected Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Any Highly Sensitive Protected Materials provided to a Reviewing Party may not be copied except as provided in Paragraph 7. The restrictions contained herein do not apply to Commission Staff, OPC, and the OAG when the OAG is representing a party to the proceeding.
10. **Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, and the OAG and Control in the Event of Conflict.** The procedures in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party designates as Highly Sensitive Protected Materials and provides to Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of Paragraphs 10 through 14 conflict with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs shall control.
11. **Copy of Highly Sensitive Protected Material to be Provided to Commission Staff, OPC and the OAG.** When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party shall also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such

Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC (if OPC is a party) and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures specified herein.

12. **Delivery of the Copy of Highly Sensitive Protected Material to Commission Staff and Outside Consultants.** The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification specified by Paragraph 15. After obtaining the agreement of the producing party, Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification in Attachment A.
13. **Restriction on Copying by Commission Staff, OPC and the OAG.** Except as allowed by Paragraph 7, Commission Staff, OPC and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the presiding officer directs otherwise. Commission Staff, OPC, and the OAG may make limited notes of Highly Sensitive Protected Materials furnished to them, and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken.
14. **Public Information Requests.** In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission, OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.
15. **Required Certification.** Each person who inspects the Protected Materials shall, before such inspection, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. 51023. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order shall, before inspection of such material, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

The Reviewing Party shall provide a copy of each signed certification to Counsel for the producing party and serve a copy upon all parties of record.

16. **Disclosures between Reviewing Representatives and Continuation of Disclosure Restrictions after a Person is no Longer Engaged in the Proceeding.** Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification shall be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person shall be terminated and all notes, memoranda, or other information derived from the protected material shall either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification shall

continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.

17. **Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials.** Except for Highly Sensitive Protected Materials, which shall be provided to the Reviewing Parties pursuant to Paragraphs 9, and voluminous Protected Materials, the producing party shall provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding pursuant to this Protective Order, but a record shall be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party shall provide the party asserting confidentiality with a copy of that record.
18. **Procedures Regarding Voluminous Protected Materials.** 16 Texas Administrative Code § 22.144(h) (TAC) will govern production of voluminous Protected Materials. Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.
19. **Reviewing Period Defined.** The Protected Materials may be reviewed only during the Reviewing Period, which shall commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period shall reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.
20. **Procedures for Making Copies of Voluminous Protected Materials.** Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical or electronic copies of the Protected Materials, subject to the conditions in this Protective Order; provided, however, that before photographic, mechanical or electronic copies may be made, the Reviewing Party seeking photographic, mechanical or

electronic copies must provide written confirmation of the receipt of copies listed on Attachment B of this Protective Order identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.

21. **Protected Materials to be Used Solely for the Purposes of These Proceedings.** All Protected Materials shall be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (a) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (b) any business or competitive endeavor of whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to Commission Staff or OPC.
22. **Procedures for Confidential Treatment of Protected Materials and Information Derived from Those Materials.** Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and shall not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials shall be maintained in a secure place and shall not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to insure that the Protected Materials including notes and analyses made from Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.
23. **Procedures for Submission of Protected Materials.** If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief, motion or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents shall be marked "PROTECTED MATERIAL" and shall be filed under seal with the presiding officer and

served under seal to the counsel of record for the Reviewing Parties. The presiding officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (a) shall notify the party which provided the information within sufficient time so that the producing party may seek a temporary sealing order; and (b) shall otherwise follow the procedures in Rule 76a, Texas Rules of Civil Procedure.

24. **Maintenance of Protected Status of Materials during Pendency of Appeal of Order**

**Holding Materials are not Protected Materials.** In the event that the presiding officer at any time in the course of this proceeding finds that all or part of the Protected Materials are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials shall nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the presiding officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a presiding officer's order to the Commission. In the event an appeal to the Commissioners is filed within those three (3) working days from notice, the Protected Materials shall be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.

25. **Notice of Intent to Use Protected Materials or Change Materials Designation.**

Parties intending to use Protected Materials shall notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. 51023 at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party shall first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with

particularity each of such Protected Materials. A Reviewing Party shall at any time be able to file a written motion to challenge the designation of information as Protected Materials.

26. **Procedures to Contest Disclosure or Change in Designation.** In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality shall file with the appropriate presiding officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period shall be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response shall include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and, without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or that the party asserting confidentiality for some reason did not allow such counsel to review such materials. If either party wishes to submit the material in question for in camera inspection, it shall do so no later than five (5) working days after the party challenging confidentiality has made its written filing.
27. **Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation.** If the party asserting confidentiality files an objection, the appropriate presiding officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or Reviewing Party or upon the presiding officer's own initiative, the presiding officer may conduct a prehearing conference. The burden is on the party asserting confidentiality to show that such proposed disclosure or change in designation should not be made. If the presiding officer determines that such proposed disclosure or change in designation should be made, disclosure shall not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such presiding officer's ruling.
28. **Maintenance of Protected Status during Periods Specified for Challenging Various Orders.** Any party electing to challenge, in the courts of this state, a Commission or presiding

officer determination allowing disclosure or a change in designation shall have a period of ten (10) days from: (a) the date of an unfavorable Commission order; or (b) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court. Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials shall be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this paragraph. For purposes of this paragraph, a favorable ruling of a state district court, state appeals court, Supreme Court or other appellate court includes any order extending the deadlines in this paragraph.

29. **Other Grounds for Objection to Use of Protected Materials Remain Applicable.** Nothing in this Protective Order shall be construed as precluding any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless the Commission or a court orders such additional disclosure, all parties will abide by the restrictions imposed by the Protective Order.
30. **Protection of Materials from Unauthorized Disclosure.** All notices, applications, responses or other correspondence shall be made in a manner which protects Protected Materials from unauthorized disclosure.
31. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including

copies of Protected Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, “conclusion of these proceedings” refers to the exhaustion of available appeals, or the running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the “conclusion of these proceedings” is extended by the remand to the exhaustion of available appeals of the remand, or the running of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel for the party asserting confidentiality will send a written notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph shall prohibit counsel for each Reviewing Party from retaining two (2) copies of any filed testimony, brief, application for rehearing, hearing exhibit or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel shall remain subject to the provisions of this Protective Order.

32. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act,<sup>3</sup> the Texas Securities Act<sup>4</sup> and any other applicable law, provided that parties subject to those acts will notify the party asserting confidentiality, if possible under those acts, prior to disclosure pursuant to those acts. Such notice shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
33. **Procedures for Release of Information under Order.** If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that: (a) the Reviewing Party shall notify the producing party of the order requiring the release of such information within five (5) calendar days of the date the Reviewing Party has notice of the order; (b) the Reviewing Party shall notify the producing party at least five (5) calendar days in advance of the release of the information to allow the producing party to contest any release of the confidential information;

and (c) the Reviewing Party shall use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein. The notice specified in this section shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

34. **Best Efforts Defined.** The term “best efforts” as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body, the written opinion of the Texas Attorney General sought in compliance with the Public Information Act, or the request of governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials. The Reviewing Party is not required to delay compliance with a lawful order to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of § 552.301 of the Public Information Act, or intends to comply with the final governmental or court order. Provided, however, that no notice is required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
35. **Notify Defined.** “Notify” for purposes of Paragraphs 32, 33 and 34 means written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission, OAG, or OPC may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.
36. **Requests for Non-Disclosure.** If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection

afforded by this Protective Order, the producing party shall tender the information for in camera review to the presiding officer within ten (10) calendar days of the request. At the same time, the producing party shall file and serve on all parties its argument, including any supporting affidavits, in support of its position of nondisclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party shall serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the information that the producing party has not alleged should be prohibited from reviewing the information. Parties wishing to respond to the producing party's argument for non-disclosure shall do so within five working days. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the presiding officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the presiding officer shall stay the order of disclosure for such period of time as the presiding officer deems necessary to allow the producing party to appeal the ruling to the Commission.

37. **Sanctions Available for Abuse of Designation.** If the presiding officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the presiding officer may sanction the producing party pursuant to 16 TAC § 22.161.
38. **Modification of Protective Order.** Each party shall have the right to seek changes in this Protective Order as appropriate from the presiding officer.
39. **Breach of Protective Order.** In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, shall be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party shall not be relieved of proof of any element required to establish the right to injunctive relief. In addition to injunctive relief, the producing party shall be entitled to pursue any other form of relief to which it is entitled.

ATTACHMENT A

Protective Order Certification

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket and that I have received a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. 51023. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated here shall not apply.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

ATTACHMENT B

I request to view/copy the following documents:

Document Requested	# of Copies	Non-Confidential	Protected Materials and/or Highly Sensitive Protected Materials

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date