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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 § BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**CPS ENERGY’S STATEMENT UNDER SECTION 4 OF THE PROTECTIVE ORDER DESIGNATING CONFIDENTIAL PROTECTED MATERIALS**

COMES NOW the undersigned attorneys for the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and submit this statement under Section 4 of the Protective Order entered in this case. The information produced by CPS Energy in response to Brad Jauer and BVJ Properties, L.L.C.’s First Requests for Information (the Jauer/BVJ RFIs) has been reviewed by CPS Energy’s undersigned counsel sufficient to state in good faith that some of the information is confidential protected material under the Protective Order in this docket and exempt from public disclosure under the Texas Public Information Act.<sup>1</sup> The reasons supporting the designation are outlined below.

**I. DESCRIPTION OF PROTECTED MATERIALS**

CPS Energy’s response to Jauer/BVJ RFI 1-8 contains information relating to data of the Electric Reliability Council of Texas (ERCOT) that is confidential market data under ERCOT nodal operating guidelines. This data contains trade secret and/or commercially sensitive internal operational information and/or the commercially sensitive information of third-parties that, if disclosed, could cause substantial competitive harm to the person from whom the information was obtained and because the information is not intended for public consumption and is deemed to be confidential or proprietary by ERCOT or the entities providing the information to ERCOT. Accordingly, such information is excepted from disclosure under, at a minimum, Tex. Gov’t Code §552.101, 552.110 and/or 552.1101.

<sup>1</sup> Tex. Gov’t Code Ch. 552.

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## II. STATEMENT OF COUNSEL

The undersigned counsel for CPS Energy has reviewed the foregoing materials sufficiently to state in good faith that parts of the information contained therein is confidential and/or highly sensitive protected material for at least the reasons stated above.

Respectfully submitted,

/s/ Kirk D. Rasmussen

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**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 SOAH Order No. 3 in this docket.

/s/ Kirk D. Rasmussen

Kirk D. Rasmussen