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PUC DOCKET NO. 51415

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PUBLIC UTILITY COMMISSION  
OF TEXAS

APPLICATION OF SOUTHWESTERN §  
ELECTRIC POWER COMPANY FOR §  
AUTHORITY TO CHANGE RATES §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**EASTMAN CHEMICAL COMPANY'S STATEMENT OF CONFIDENTIALITY  
TO SOUTHWESTERN ELECTRIC POWER COMPANY'S  
SECOND REQUESTS FOR INFORMATION**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

Eastman Chemical Company (Eastman) provides this Statement of Confidentiality pursuant to Section 4 of the Protective Order filed on November 24, 2020:

**I. BACKGROUND**

Today, April 15, 2021, Eastman is filing its Responses to Southwestern Electric Power Company's (SWEPCO's) Second Requests for Information (RFI). The responses and attachments in RFI 2-1, 2-2 and the response in 2-9 contain certain information that is commercially sensitive business operation information, which is market-sensitive and competitive information, that qualifies as Highly Sensitive Protected Material under the Protective Order adopted in this proceeding. This notice is filed to comply with the requirements of paragraph 4 of the Protective Order relating to claims of exemption from public disclosure pursuant to the Texas Public Information Act (TPIA).

**II. STATEMENT OF CONFIDENTIALITY**

Response to RFI 2-1(b) and (c): The statements provided in response to SWEPCO RFI No. 2-1(b) and (c) contain information that is Highly Sensitive Protected Material exempt from public disclosure pursuant to TEX. GOV'T CODE §§ 552.101, 552.104, and/or 552.110. This material may include but is not limited to information that is of a highly commercially sensitive nature involving confidential operations data that, if released, would give undue and unfair advantage to a competitor. The information provided in RFI 2-1(b) is operational data regarding Eastman facilities (RFI 2-1(b)) and highly protected for security and competitive reasons. Further, the requests seeks details of Eastman's customers' business operations and financial information that are commercially sensitive, and, if disclosed could provide an unfair advantage to the

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competitors of Eastman's customers. The information provided in 2-1(c) is highly commercially sensitive information related to business operations and confidential discussions/negotiations between Eastman and SWEPCO. Accordingly, protection against disclosure to anyone other than a limited set of persons governed by the strict protections for Highly Sensitive Protected Material under the protective order is warranted under PURA and the TPIA, including the protection for trade secrets provided by TEXAS GOV'T CODE § 552.110.

Response to SWEPCO 2-1 (Attachment): The information contained in this Attachment in response to SWEPCO 2-1 contains information that is Highly Sensitive Protected Material exempt from public disclosure pursuant to TEX. GOV'T CODE §§ 552.101, 552.104, and/or 552.110. This material may include but is not limited to information that is of a highly commercially sensitive nature involving confidential operations business diagrams and information that, if released, would give undue and unfair advantage to a competitor. The information provided in the response to RFI 2-1 (Attachment) is an operational one line diagram of the Eastman facilities and is highly protected for security and competitive reasons. Accordingly, protection against disclosure to anyone other than a limited set of persons governed by the strict protections for Highly Sensitive Protected Material under the protective order is warranted under PURA and the TPIA, including the protection for trade secrets provided by TEXAS GOV'T CODE § 552.110.

Response to SWEPCO 2-2 (Attachment): The data and information contained in this Attachment in response to SWEPCO 2-2 contains customer-specific information including load and usage data protected by PURA, § 32.101(c) and is Highly Sensitive Protected Material exempt from public disclosure pursuant to TEX. GOV'T CODE §§ 552.101, 552.104, and/or 552.110. This material may include but is not limited to information that is of a highly commercially sensitive nature involving confidential operations data that, if released, would give undue and unfair advantage to a competitor. Accordingly, protection against disclosure to anyone other than a limited set of persons governed by the strict protections for Highly Sensitive Protected Material under the protective order is warranted under PURA and the TPIA, including the protection for trade secrets provided by TEXAS GOV'T CODE § 552.110.

Response to SWEPCO 2-9: The statements provided in response to SWEPCO RFI No. 2-9 contains information that is Highly Sensitive Protected Material exempt from public disclosure pursuant to TEX. GOV'T CODE §§ 552.101, 552.104, and/or 552.110. This material may include

but is not limited to information that is of a highly commercially sensitive nature involving contains highly commercially sensitive information related to business operations and highly confidential discussions/negotiations between Eastman and SWEPCO. Accordingly, protection against disclosure to anyone other than a limited set of persons governed by the strict protections for Highly Sensitive Protected Material under the protective order is warranted under PURA and the TPIA, including the protection for trade secrets provided by TEXAS GOV'T CODE § 552.110.

These types of information, diagrams, and/customer-specific information are market-sensitive commercial information, and Eastman takes affirmative steps to preserve the confidentiality of, and protect against the disclosure of, such valuable commercial information. The public disclosure of any market-sensitive commercial information could cause competitive harm to Eastman by giving an inappropriate competitive advantage to Eastman's competitors, and disclosure would be contrary to the state legislative policy of preserving the integrity of competitively sensitive market information as expressed in the Texas Public Utility Regulatory Act and the TPIA.

For the foregoing reasons, the responsive confidential document and information that constitutes Highly Sensitive Protected Material will be made available only pursuant to the terms of the Protective Order issued in this docket that are applicable to such Highly Sensitive Protected Material.

### **III. CONCLUSION**

Counsel for Eastman has reviewed the responsive documents sufficiently to state in good faith that the information contained in the documents is confidential information exempt from public disclosure under the TPIA and merits the confidential Highly Sensitive Protected Material designation assigned pursuant to the Protective Order.

**Respectfully submitted,**

**Eastman Chemical Company**  
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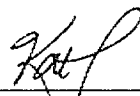
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**ATTORNEYS FOR EASTMAN  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was served by electronic mail, on all parties of record in this proceeding on April 15, 2021, in accordance with the Orders Suspending Rules, issued in Project No. 50664.

  
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Katherine K. Mudge