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**SOAH DOCKET NO. 473-22-1073
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APPLICATION OF SOUTHWESTERN	§	
PUBLIC SERVICE COMPANY TO	§	BEFORE THE STATE OFFICE
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY TO	§	OF
CONVERT HARRINGTON	§	
GENERATING STATION FROM COAL	§	ADMINISTRATIVE HEARINGS
TO NATURAL GAS	§	

**CONFIDENTIALITY STATEMENT UNDER
SECTION 4 OF THE PROTECTIVE ORDER**

The undersigned attorney for Southwestern Public Service Company (“SPS” or the “Company”) submits this statement under Section 4 of the protective order entered in this case and has reviewed the information provided in workpapers to the Rebuttal Testimony of SPS witness Ben R. Elsey sufficiently to state in good faith that the information is exempt from disclosure under the Texas Public Information Act (“PIA”) and merits the Highly Sensitive or Protected Materials designation.

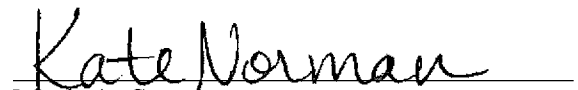
As part of Mr. Elsey’s rebuttal testimony, SPS has provided confidential trade secret information in the following workpapers: Force Four CTs (CONF), Scenario setting_Force Four CTs (CONF), and EO_SPS_2021 CCN_400TRX_4CTs (CONF), which contain input and output data for cost modeling software and/or confidential data, analyses, or forecasts used to develop SPS’s cost modeling. The information provided in these responses is not publicly available and is the proprietary, trade secret information of SPS. The information is protected under Section 552.110(b) of the PIA because the information explicitly meets the definition of “trade secret.”¹ That definition includes “scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device,

¹ Tex. Gov’t Code Ann § 552.110(a).

method, technique, process, procedure, financial data” such as the information described above. Moreover, the information is a trade secret because (1) SPS has taken reasonable measures under the circumstances to keep the information secret and (2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.²

Moreover, the material contains commercially sensitive information, and could be used by competitors to gain an advantage or replicate SPS analyses and processes for their own purposes. Public release of the information, therefore, would cause substantial competitive harm to SPS and third parties that are not parties to this proceeding. The information is therefore exempt from disclosure under Section 552.110(c) of the PIA.

Respectfully submitted,

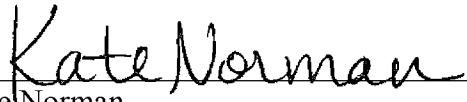
A handwritten signature in black ink that reads "Kate Norman". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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² *Id.*

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 13, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Kate Norman