



## Filing Receipt

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<b>APPLICATION OF SOUTHWESTERN</b>	<b>§</b>	
<b>PUBLIC SERVICE COMPANY TO</b>	<b>§</b>	
<b>AMEND ITS CERTIFICATE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CONVENIENCE AND NECESSITY TO</b>	<b>§</b>	
<b>CONVERT HARRINGTON</b>	<b>§</b>	<b>OF TEXAS</b>
<b>GENERATING STATION FROM COAL</b>	<b>§</b>	
<b>TO NATURAL GAS</b>	<b>§</b>	

**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 response to Staff’s first set of RFIs 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 designation.

In response to Staff RFI 1-1, SPS attached detailed construction and design plans for the proposed conversion of Harrington Station. The information provided in response to Staff 1-1 is explicitly confidential under Gov’t Code § 418.181,<sup>1</sup> which excepts from disclosure documents with “technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” The drawings, schematics, and technical information related to Harrington power station could be used to identify vulnerabilities to an attack and constitute a security risk. This sensitive information should remain confidential and deserves the protections created by the Protective Order in this proceeding.

Additionally, the plans, drawings, and technical information are not publicly available and are the proprietary, trade secret information of SPS. The information is protected under Section

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<sup>1</sup> Under Gov’t Code § 552.101, information is excepted from the requirements of the PIA if it is information considered to be confidential by other statutes, including Gov’t Code § 418.181.

552.110(b) of the PIA because the information explicitly meets the definition of “trade secret.”<sup>2</sup> That definition includes “scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data” such as the information provided response to Staff 1-1. 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.<sup>3</sup>

Respectfully Submitted,



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<sup>2</sup> Tex. Gov’t Code Ann § 552.110(a).

<sup>3</sup> *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 October 5, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

A handwritten signature in black ink, reading "C. Glenn Adkins", written over a horizontal line.

C. Glenn Adkins