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APPLICATION OF SOUTHWESTERN	§	
PUBLIC SERVICE COMPANY TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY TO	§	
CONVERT HARRINGTON	§	OF TEXAS
GENERATING STATION FROM COAL	§	
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 SPS’s supplemental response to Staff’s third 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 3-6, SPS provided detailed data compilations, and calculations for the price of electric power supply resources. The information provided in response to Staff 3-6 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, method, technique, process, procedure, financial data” such as the information provided response to Staff 3-6. 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

¹ Tex. Gov’t Code Ann § 552.110(a).

who can obtain economic value from the disclosure or use of the information.² Furthermore, the source of much of the data is available to SPS only through the subscription services of Wood Makenzie, S&P Global, and HIS Markit, third party vendors with whom SPS must maintain ongoing business relationships. Under the subscription agreements between SPS and the third-party vendors, the information cannot be shared publicly. The use of this source data in the response to RFI 3-6 was granted by the third-party vendors on the condition that the information be provided confidentially under the terms of the Protective Order. 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,



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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 October 21, 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