



## Filing Receipt

**Received - 2021-11-10 02:32:50 PM**  
**Control Number - 52485**  
**ItemNumber - 49**

**DOCKET NO. 52485**

<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**

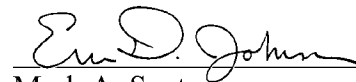
The undersigned attorney for Southwestern Public Service Company (“SPS” or the “Company”) submits this statement under Section 4 of the protective order entered in this case and has reviewed the information provided in SPS’s response to Sierra Club’s first set of RFIs sufficiently to state in good faith that the information is exempt from disclosure under the Texas Public Information Act (“PIA”) and merits the Highly Sensitive or Protected Materials designation.

In response to Sierra Club First Set of RFIs, SPS provided confidential trade secret information in the following exhibits: Exhibit SPS-SC 1-3(i)(HS), which contains input and output data for cost modeling software; Exhibit SPS-SC 1-4(e)(ii)(HS), Exhibit SPS -SC 1-4(a)(CONF), Exhibit SPS-SC 1-4(e)(ii)(CONF), and Exhibit SPS-SC 1-4(e)(ii)(CONF), which contain confidential documents, data, analyses, or forecasts used to develop SPS’s cost modeling; Exhibit SPS-SC 1-5(f)(CONF), which is a system impact study performed by SPS; Exhibit SPS-SC 1-10(CONF), which is an analysis and presentation related to NAAQS standards; and Exhibit SPS-SC 1-22(CONF), which contains forecasted information related to capital costs. 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.”<sup>1</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 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.<sup>2</sup>

Moreover, the information contains is commercially sensitive, 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,



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<sup>1</sup> Tex. Gov’t Code Ann § 552.110(a).

<sup>2</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 November 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
C. Glenn Adkins