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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 response to Texas Industrial Energy Consumers (“TIEC”) 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.

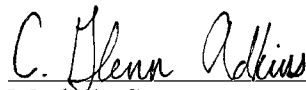
In response to TIEC RFI 1-2, SPS provided Exhibits SPS-TIEC 1-2A (HS)(USB) through SPS-TIEC 1-2K (HS)(USB), which are projected natural gas prices studied in the 2021 economic analysis and market information and related forecasts underlying SPS’s natural gas forecast. The information provided in response to TIEC RFI 1-2 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 4-2. Moreover, the information is a trade secret because (1) SPS has taken reasonable measures under the

¹ Tex. Gov’t Code Ann § 552.110(a).

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 detailed information related to natural gas prices and economic forecasts is commercial and financial information that has economic value from not being publicly known. 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 November 16, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



C. Glenn Adkins