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APPLICATION OF SOUTHWESTERN	§	BEFORE THE STATE OFFICE
PUBLIC SERVICE COMPANY TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY TO	§	OF
CONVERT HARRINGTON	§	
GENERATING STATION FROM COAL	§	
TO NATURAL GAS	§	ADMINISTRATIVE HEARINGS

**SOUTHWESTERN PUBLIC SERVICE COMPANY’S 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”) second 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 Confidential Protected Materials designation.

In response to TIEC RFI 2-6, SPS provided confidential information related to heat rate assumptions for its anticipated combined cycle gas turbines. The information provided in response to TIEC RFI 2-6 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 technical, engineering information provided in response to TIEC RFI 2-6. Moreover, the information is a trade secret because (1) SPS has taken reasonable measures

¹ Tex. Gov’t Code Ann § 552.110(a).

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 detailed information related to heat rate assumptions for its anticipated combined cycle gas turbines 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 January 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



C. Glenn Adkins