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**PUC DOCKET NO. 53601**

<b>APPLICATION OF ONCOR</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>ELECTRIC DELIVERY COMPANY</b>	<b>§</b>	<b>OF</b>
<b>LLC FOR AUTHORITY TO CHANGE</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>RATES</b>	<b>§</b>	

**ONCOR’S STATEMENT OF CONFIDENTIALITY CONCERNING  
RESPONSES TO THE U.T. SYSTEM AND ITS AGENCIES’  
FIRST REQUESTS FOR INFORMATION**

**TO THE HONORABLE CASSANDRA QUINN AND MEAGHAN BAILEY,  
ADMINISTRATIVE LAW JUDGES:**

COMES NOW Oncor Electric Delivery Company LLC (“Oncor”), by and through its attorneys of record, and pursuant to the Protective Order entered in this Docket, submits this Statement of Confidentiality Concerning Responses to the U.T. System and its Agencies’ (“UTSA”) First Requests for Information (“Statement of Confidentiality”).

**I.  
BACKGROUND**

Oncor is providing responses to UTSA’s First Requests for Information. The responses to the requests listed below contain sensitive commercial information that is considered confidential or highly sensitive confidential and, as a result, the responses were provided under the Protected Material or Highly Sensitive Protected Material designation (material designated under either heading hereinafter called “Protected Material”) pursuant to the standard Protective Order entered in this Docket.<sup>1</sup> This statement is being filed to comply with the requirement of Paragraph 4 of that Protective Order related to claims of exemption from public disclosure pursuant to the Public Information Act. Oncor asserts that the information that has been marked as Protected Material is exempt from public disclosure pursuant to sections 552.101 and 552.110 of the Texas Public Information Act (“TPIA”).<sup>2</sup>

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<sup>1</sup> SOAH Order No. 1 (May 17, 2022).

<sup>2</sup> Administrative Procedure Act, Tex. Gov’t Code Ann. §§ 552.001-552.376.

## **II. ARGUMENT**

The Protected Material is exempt from disclosure under the TPIA because it contains confidential competitively-sensitive business operations and commercial or financial information, the public disclosure of which would cause substantial competitive harm to Oncor or its customers.

The Protected Material is considered confidential under 16 Tex. Admin. Code § 25.272(c)(3) and is the type of sensitive business information that can be used only for the specified purposes in this Docket. Thus, the Protected Material is also covered by TPIA § 552.101, which excepts material from public disclosure that is considered to be “confidential by law... or by judicial decision.”

The Protected Material is further protected from public disclosure by the provisions of TPIA § 552.110(b), which exempts from public disclosure “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained ....” Oncor has taken measures to maintain the information that has been marked as Protected Material as confidential, both within and outside the company, and has not released this information other than pursuant to protective orders or confidentiality agreements. Broader dissemination will provide an advantage to the company’s or its customers’ competitors, suppliers, or customers, and thereby cause substantial competitive harm to the relevant company.

Counsel for Oncor has reviewed the Protected Material sufficiently to state in good faith that the information contained therein is exempt from public disclosure under the TPIA and merits the Protected Material designation. Oncor has provided the following responses designated as Protected Material:

UTSA RFI No. 1, Question 1-01:

Oncor’s response to Question 1-01 includes customer-specific usage and billing information for specific, identified ESIIDs. The Protected Material is considered confidential under 16 TAC § 25.272(c)(3). Further, PURA § 39.001(b)(4) requires the Commission to “protect the competitive process in a manner that ensures the confidentiality of competitively sensitive information during the transition to a competitive market and after the commencement of customer choice.” Thus, the Protected Material is also covered by TPIA § 552.101, which excepts material from public disclosure that is considered to be “confidential by law... or by

judicial decision.” In addition, PURA § 32.101(c) provides: “The commission shall consider customer names and addresses, prices, individual customer contracts, and expected load and usage data as highly sensitive trade secrets. That information is not subject to disclosure under Chapter 552, Government Code.”

WHEREFORE, PREMISES CONSIDERED, Oncor requests that Your Honors accept this Statement of Confidentiality and grant Oncor such other relief to which it may show itself justly entitled.

By: /s/ Lauren Freeland

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**ATTORNEYS FOR ONCOR ELECTRIC  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been emailed to all parties of record on this the 30<sup>th</sup> day of June, 2022, in accordance with the Commission's Second Order Suspending Rules issued on July 16, 2020, in Project No. 50664.

/s/ Lauren Freeland