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SOAH DOCKET NO. 473-22-2695
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APPLICATION OF ONCOR	§	BEFORE THE STATE OFFICE
ELECTRIC DELIVERY COMPANY	§	OF
LLC FOR AUTHORITY TO CHANGE	§	ADMINISTRATIVE HEARINGS
RATES	§	

**ONCOR’S STATEMENT OF CONFIDENTIALITY CONCERNING
REBUTTAL TESTIMONY WORKPAPERS**

**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 Rebuttal Testimony Workpapers (“Statement of Confidentiality”).

**I.
BACKGROUND**

Oncor is filing workpapers to the rebuttal testimonies of Dylan W. D’Ascendis, Kevin R. Fease, and Ellen Lapson. Certain portions of these rebuttal testimony workpapers contain sensitive commercial information that is considered confidential or highly sensitive confidential and, as a result, 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.¹ 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”).²

¹ SOAH Order No. 1 (May 17, 2022).

² 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 could limit Oncor's ability to effectively provide service to 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 Oncor's competitors, suppliers, or respective customers, and thereby cause substantial competitive harm to the 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:

Dylan W. D'Ascendis's Rebuttal Testimony Workpapers

Mr. D'Ascendis's rebuttal testimony workpapers include highly sensitive confidential credit metric analysis prepared for Oncor. This information described herein is proprietary, commercially-sensitive business and financial information, all of which is excepted from public disclosure under the TPIA as discussed above.

Kevin R. Fease's Rebuttal Testimony Workpapers

Mr. Fease's rebuttal testimony workpapers include highly sensitive confidential information on Oncor's earnings for year 2021, Oncor's estimated future earnings for subsequent years, and pricing information related to mobile generation units. This information described herein is proprietary, commercially-sensitive business and financial information, some of which includes competitive pricing information, and all of which is excepted from public disclosure under the TPIA as discussed above.

Ellen Lapson's Rebuttal Testimony Workpapers

Ms. Lapson's rebuttal testimony workpapers contain highly sensitive confidential credit metric analysis prepared for Oncor. This information is proprietary, commercially-sensitive business and financial information, all of which is excepted from public disclosure under the TPIA as discussed above.

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 19th day of September, 2022, in accordance with the Commission's Second Order Suspending Rules issued on July 16, 2020, in Project No. 50664.

/s/ Lauren Freeland