



An **AEP** Company

BOUNDLESS ENERGY™

Southwestern Electric
Power Company
400 W 15th Street, Suite 1500
Austin, TX 78701
www.SWEPCO.com

September 30, 2022

Re: PUC Docket No. 54040 *Application of Southwestern Electric Power Company for Approval to Amend Its Transmission Cost Recovery Factor*

Southwestern Electric Power Company (SWEPCO) has filed with the Public Utility Commission of Texas (PUC) for approval of a Transmission Cost Recovery Factor (TCRF). SWEPCO made this filing on September 30, 2022.

Provided with this letter is a copy of the Application including Attachment A (proposed tariff) and Attachment B (proposed notice). This letter and the enclosures are for notice purposes only and **no action is required by your city.**

If you have any questions please contact Stacy Bankston-Pankratz, SWEPCO Regulatory Case Manager, at (214) 777-1081 or you can contact your local SWEPCO external affairs manager.

Yours very truly,

A handwritten signature in cursive script that reads "Stacy Bankston Pankratz".

Attachments

PUC DOCKET NO. 54040

**APPLICATION OF SOUTHWESTERN
ELECTRIC POWER COMPANY FOR
APPROVAL TO AMEND ITS
TRANSMISSION COST RECOVERY
FACTOR** §
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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**SOUTHWESTERN ELECTRIC POWER COMPANY’S STATEMENT OF INTENT
AND APPLICATION FOR APPROVAL TO AMEND ITS TRANSMISSION COST
RECOVERY FACTOR**

Southwestern Electric Power Company (SWEPCO or the Company) files this Application for Approval to Amend its Transmission Cost Recovery Factor (TCRF) under Section 36.209 of the Public Utility Regulatory Act (PURA)¹ and counterpart 16 Tex. Admin. Code (TAC) § 25.239. The TCRF allows SWEPCO to recover reasonable and necessary costs for transmission infrastructure improvements and changes in wholesale transmission charges under a tariff approved by the Federal Energy Regulatory Commission (FERC) to the extent that the costs or charges have not otherwise been recovered.

The Commission set SWEPCO’s TCRF to zero in SWEPCO’s last comprehensive base rate case, Docket No. 51415,² and it established new TCRF baselines in the related compliance filing proceeding, Docket No. 53046.³

As recognized by the Commission, the purpose of the TCRF mechanism is to reduce regulatory lag and provide for a more timely recovery of a utility’s incremental transmission costs

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016 (PURA).

² *Application of Southwestern Electric Power Company for Authority to Change Rates*, Docket No. 51415, Order (Jan. 14, 2022).

³ *Compliance Filing for Docket No. 51415 (Application of Southwestern Electric Power Company for Authority to Change Rates)*, Docket No. 53046, Order (Aug. 4, 2022).

outside of the context of a complex, costly, and comprehensive base-rate proceeding.⁴ In SWEPCO's first TCRF proceeding (Docket No. 42448), the Proposal for Decision repeatedly described the setting of a TCRF as a "streamlined" process.⁵

To advance the Legislative intent of providing a more-timely recovery of transmission costs, SWEPCO makes two requests, as it did in its most recent TCRF proceeding (Docket No. 49042). First, SWEPCO requests that the procedural schedule in this proceeding reflect the streamlined nature of the TCRF mechanism and allow the Commission to act on this Application in significantly less than 185 days. This request is discussed further below in Section IV. Second, to facilitate the setting of a streamlined procedural schedule, SWEPCO requests an expedited referral of this proceeding to the State Office of Administrative Hearings (SOAH).

I. Jurisdiction and Parties

SWEPCO is an electric utility, a public utility, and a utility, as those terms are defined in PURA §§ 11.004(1) and 31.002(6), and is subject to the Commission's jurisdiction under PURA. The Commission has jurisdiction over this matter under PURA §§ 14.001 and 36.209.

SWEPCO serves retail electric customers in Texas, Louisiana, and Arkansas, and serves wholesale electric customers as well. This Commission regulates SWEPCO's Texas retail operations. The Louisiana and Arkansas Public Service Commissions regulate SWEPCO's Louisiana and Arkansas retail operations, respectively, while FERC regulates SWEPCO's wholesale power sales and transmission of electricity in interstate commerce. SWEPCO's business address is 428 Travis Street, Shreveport, Louisiana 71101.

⁴ See *Application of Southwestern Electric Power Company for Approval of a Transmission Cost Recovery Factor*, Docket No. 42448, Order at Finding of Fact (FoF) No. 20 and Conclusion of Law (CoL) No. 19 (Nov. 24, 2014).

⁵ See Docket No. 42448, Proposal for Decision at 12 and 15 (Oct. 10, 2014).

Under PURA § 36.209, the Commission has exclusive original jurisdiction over this Application both as to environs customers and as to customers within the corporate limits of municipalities within SWEPCO's Texas retail service area. The proposed effective date for the requested rate change is 35 days from the filing of this Application.

SWEPCO's authorized representatives for service of all pleadings and other documents is:

Jennifer Frederick
Stacy Bankston-Pankratz
American Electric Power Service Corporation
400 West 15th Street, Suite 1520
Austin, Texas 78701
Telephone: (512) 481-4573
Facsimile: (512) 481-4591
aepaustintx@aep.com (service)

SWEPCO's authorized legal representatives are:

Melissa Gage
Leila Melhem
American Electric Power Service Corporation
400 West 15th Street, Suite 1520
Austin, Texas 78701
Telephone: (512) 481-3320
Facsimile: (512) 481-4591
magage@aep.com
lmelhem@aep.com

William Coe
Everett Britt
Duggins Wren Mann & Romero, LLP
600 Congress, Suite 1900
Austin, Texas 78701
Telephone: (512) 744-9300
Facsimile: (512) 744-9399
wcoe@dwmrlaw.com
ebritt@dwmrlaw.com

II. Parties Affected

SWEPCO and its Texas retail customers will be the parties affected by the relief requested in this Application. If the TCRF requested in this Application is approved, the total increase in

SWEPSCO's Texas retail revenue requirement will be \$8,441,187. This amounts to a 2.1% increase in SWEPSCO's current annualized Texas retail revenue requirement, compared to the base rates established in Docket No. 51415, SWEPSCO's most recent base rate proceeding.

III. Statement of Facts

SWEPSCO's most recent comprehensive base rate case was Docket No. 51415, which was decided in January 2022. SWEPSCO's TCRF was set to zero in that case. The test year in Docket No. 51415 ended March 31, 2020. From the end of that test year through June 30, 2022, SWEPSCO's total company transmission invested costs have increased by \$267,156,851, which on a Texas retail basis equates to a net increase in transmission infrastructure investment costs of \$108,669,752. Taking the return of and on that investment, the net sum of the other transmission investment-related expenses, after accounting for offsetting transmission-related revenue credits received by SWEPSCO and changes in wholesale transmission charges that are incurred pursuant to FERC-approved tariffs, the proposed increase in this case is \$8,441,187 (Texas retail), which SWEPSCO seeks to recover through the approval and amendment to the TCRF that is being requested in this Application.

IV. Request for Expedited Procedural Schedule and Referral to the State Office of Administrative Hearings

As noted above, the Commission has recognized that the purpose of the TCRF mechanism is to reduce regulatory lag and provide for a more timely recovery of incremental transmission costs.⁶ This recognition is consistent with the legislative history of PURA § 36.209, which states

⁶ See Docket No. 42448, Order at CoL No. 19; see also *Rulemaking Relating to Transmission Cost-Recovery Factor for Non-ERCOT Utilities*, Project No. 33253, Order Adopting New§ 25.239 at 24 (Dec. 14, 2007).

that the law allows the Commission to establish a mechanism to provide non-ERCOT companies an opportunity to more quickly recover costs associated with new transmission construction.⁷

As recognized by the Commission, the TCRF mechanism allows a utility to recover its incremental transmission costs outside the context of a complex and comprehensive base rate proceeding. Because a TCRF proceeding is essentially a single-issue rate proceeding, it is reasonable to assume that a TCRF proceeding can be concluded in significantly less time than a comprehensive base rate proceeding, which is generally to be concluded within 185 days under PURA § 36.154.

When the Commission adopted the TCRF rule, it declined to establish a set procedural schedule for all TCRF proceedings. However, the comments in that rulemaking of Cities Advocating Reasonable Deregulation (CARD), an intervenor in SWEPCO's previous TCRF proceedings and a likely intervenor in this proceeding, reflect the reasonable belief that a TCRF should be concluded in a shorter time period than a comprehensive base-rate proceeding. CARD "suggested a time period of 135 days from beginning to end" if the Commission were to establish a procedural schedule for TCRF proceedings.⁸

In keeping with the purpose of the TCRF enabling statute and corresponding rule, SWEPCO requests that this proceeding be referred to SOAH on an expedited basis with instructions that the assigned administrative law judge approve a procedural schedule that will allow the Commission to issue a final order in this proceeding in significantly less than the 185 days statutorily allowed for a comprehensive general base rate case.

⁷ See Docket No. 42448, Order at CoL No. 20; *see also* Senate Research Center, Bill Analysis, C.S.H.B. 989, Senate Committee on Business and Commerce Committee Report (Substituted), 79th Leg., R.S. (May 16, 2005).

⁸ Project No. 33253, Order Adopting New § 25.239 at 30.

V. Proposed Tariff

SWEPSCO’s proposed TCRF tariff is attached to this Application as Attachment A.

VI. Supporting Documentation

In support of this Application, SWEPCO is filing written testimony of three witnesses, along with exhibits and workpapers. The witnesses and their respective subject matters are as follows:

Jacob A. Miller: describes (1) the TCRF formula, the jurisdictional and class allocation factors used to allocate the revenue requirement and the billing determinants used in developing the TCRF factors, and (2) the TCRF tariff that SWEPCO requests be approved in this filing.

David J. Spring: establishes (1) the return on total company transmission invested capital (TIC), including accumulated depreciation and accumulated deferred income taxes and TIC investment-related expenses (e.g., depreciation) and (2) the new total company approved transmission charges (ATC). (The sum of these components equals the overall TCRF revenue requirement.) And (3), Mr. Spring supports SWEPCO’s recovery of rate -case expenses.

Wayman L. Smith: (1) describes the American Electric Power Company, Inc. (AEP) and SWEPCO transmission systems and how AEP plans its transmission system and manages its transmission operations and (2) supports the necessity and reasonableness of SWEPCO’s transmission capital additions placed in service from April 1, 2020, through June 30, 2022.

VII. Notice

SWEPCO will provide notice of this Application in accordance with PURA § 36.103 and 16 TAC § 22.51(a). A copy of the proposed notice is attached to this Application as Attachment B. SWEPCO will provide the notice by mail to all affected customers. SWEPCO will also mail or deliver a copy of the Application to the appropriate officer of each affected municipality and to the Office of Public Utility Counsel on the date the Application is filed at the Commission. Proof of notice will be filed with the Commission upon completion of notice.

VIII. Request for Recovery of Rate-Case Expenses

SWEPCO requests recovery of the incremental costs related to this proceeding including external expenses, those incurred by its witnesses (excluding payroll), as well as any reimbursement to municipalities for participating in this proceeding. SWEPCO requests that the expenses related to this docket be reviewed and recovered in a subsequent proceeding as described in the testimony of Mr. Spring.

IX. Confidentiality

SWEPCO expects that it may need to furnish, either in testimony, workpapers, or responses to requests for information, confidential or highly sensitive information, the disclosure of which to third parties would cause SWEPCO substantial competitive harm or cause SWEPCO to violate contractual confidentiality obligations. Attached to this Application as Attachment C is a proposed Protective Order that will facilitate access to the confidential or highly sensitive material while protecting the interests of SWEPCO and the third parties to whom SWEPCO owes confidentiality obligations.

The proposed Protective Order is substantially the same as the protective order approved by the Commission in SWEPCO's most recent base rate case, Docket No. 51415. SWEPCO requests that the Commission enter a protective order in the form attached to this Application as Attachment C. Pending approval of the Protective Order, SWEPCO will offer access to confidential and highly sensitive information to eligible requesting parties who execute the protective order certification provided in Attachment C.

X. Conclusion

For the reasons set forth in this Application and the accompanying testimony, SWEPCO respectfully requests that the Commission:

- (1) expedite approval of the content and form of SWEPCO's proposed notice;

- (2) refer this proceeding to SOAH on an expedited basis;
- (3) approve the proposed Protective Order attached to this Application;
- (4) approve the Company's proposal for recovery of rate case expenses; and
- (5) enter a final order finding SWEPCO's TIC reasonable and necessary and authorizing SWEPCO to implement a TCRF sufficient to recover the transmission-related costs requested in this Application.

SWEPCO further requests such other relief to which it may be entitled.

Dated: 09/30/2022

RESPECTFULLY SUBMITTED,

Melissa Gage
State Bar No. 24063949
Email: magage@aep.com
aepaustintx@aep.com (Service)

Leila Melhem
State Bar No. 24083492
Email: lmelhem@aep.com
aepaustintx@aep.com (Service)

AMERICAN ELECTRIC POWER
SERVICE CORPORATION
400 West 15th Street, Suite 1500
Austin, Texas 78701
Telephone: (512) 481-3320
Facsimile: (512) 481-4591

William Coe
State Bar No. 00790477
Email: wcoe@dwmrlaw.com
Everett Britt
State Bar No. 17892400
Email: ebritt@dwmrlaw.com
DUGGINS WREN MANN & ROMERO, LLP
600 Congress, Suite 1900
Austin, Texas 78701
Telephone: (512) 744-9300
Facsimile: (512) 744-9399

By: 

William Coe

**ATTORNEYS FOR
SOUTHWESTERN ELECTRIC POWER COMPANY**

SOUTHWESTERN ELECTRIC POWER COMPANY

Tariff Manual - Public Utility Commission of Texas

Section Title: Rates, Charges, and Fees
Section No: IV
Applicable: All Areas
Docket No: 54040

Sheet No: IV-61
Effective Date:
Revision: 6
Page 1 of 3

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TRANSMISSION COST RECOVERY FACTOR (TCRF) – RIDER TCRF

APPLICABILITY

Each Retail Customer connected to the Company’s transmission or distribution system will be assessed a non-bypassable transmission service charge adjustment pursuant to this rider. The charges derived herein are pursuant to the requirements of PUC SUBST. R. 25.239, subsections (d) and (e).

MONTHLY RATE

The Retail Customer, will be assessed this Transmission Cost Recovery Factor (TCRF) based on the monthly per-unit cost (TCRF Factor) multiplied times the Retail Customer’s appropriate monthly billing determinant (kilowatt-hour, kilowatt, or kilovolt-ampere).

Major Rate Class	TCRF Factors	Billing Units
Residential Service	\$0.001665	per kWh
General Service	\$0.001805	per kWh
Lighting and Power - Secondary	\$0.421468	per Billing kW
Lighting and Power - Primary	\$0.422794	per Billing kW
Lighting and Power - Transmission	\$0.422794	per Billing kW
Electric Furnace Service – Secondary	\$0.062467	per Billing kW
Electric Furnace Service – Primary	\$0.118954	per Billing kW
Cotton Gin Service	\$0.001759	per kWh
Oilfield Service	\$0.395961	per Billing kW
Metal Melting Service - Secondary	\$0.062467	per Billing kW
Metal Melting Service - Primary	\$0.118954	per Billing kW
Metal Melting Service - Transmission	\$0.136836	per Billing kW
Large Light and Power - Primary	\$0.125235	per Billing kW
Large Light and Power - Transmission	\$0.381665	per Billing kW
Municipal	\$0.000972	per kWh
Lighting	\$0.000508	per kWh

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Rates/riders not listed will be billed the factor applicable to the appropriate background tariff.

- (1) TCRF Factor reflects applicable Metal Melting Service factor.
- (2) TCRF Factor reflects LLP Transmission factor.

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SOUTHWESTERN ELECTRIC POWER COMPANY

Tariff Manual - Public Utility Commission of Texas

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TRANSMISSION COST RECOVERY FACTOR (TCRF) – RIDER TCRF

Supplementary, Backup, Maintenance and As-Available Standby Power Service - Class I

Supplementary Power Charge	TCRF Factor	Billing Unit
Monthly Rate -- Primary	\$0.421468	LP Primary Demand Rate
Monthly Rate -- Secondary	\$0.421468	LP Secondary Demand Rate
Backup Power Charge		
Monthly Rate -- Primary	\$0.0229	per kW per day -- minimum of 6 days per request
Monthly Rate -- Secondary	\$0.0254	per kW per day -- minimum of 7 days per request
Monthly Rate -- Primary	\$0.14	per kW in excess of greater of Maint. kW or BU kW furnished during the month
Monthly Rate -- Secondary	\$0.18	per kW in excess of greater of Maint. kW or BU kW furnished during the month
Maintenance Power Charge		
Monthly Rate -- Primary	\$0.0114	per kW per day -- minimum of 12 days per request
Monthly Rate -- Secondary	\$0.0128	per kW per day -- minimum of 14 days per request
Monthly Rate -- Primary	\$0.07	per kW in excess of greater of Maint. kW or BU kW furnished during the month
Monthly Rate -- Secondary	\$0.09	per kW in excess of greater of Maint. kW or BU kW furnished during the month
As-Available Standby Power Charge		
Monthly kW Rate -- Primary	\$0.10	per kW
Monthly kW Rate -- Secondary	\$0.12	per kW

Supplementary, Backup, Maintenance and As-Available Standby Power Service - Class II

Supplementary Power Charge	TCRF Factor	
Monthly Rate -- Transmission	\$0.381665	LLP Transmission Demand Rate
Backup Power Charge		
Monthly Rate	\$0.02	per kW per day -- minimum of 4 days per request
Monthly Rate	\$0.08	per kW in excess of greater of Maint. kW or BU kW furnished during the month
Maintenance Power Charge		
Monthly Rate	\$0.01	per kW per day -- minimum of 8 days per request
Monthly Rate	\$0.04	per kW in excess of greater of Maint. kW or BU kW furnished during the month
As-Available Standby Power Charge		
Monthly kW Rate -- Transmission	\$0.03	per kW
Standby Service Schedule		
kW Charge Secondary	\$0.46	per month per kW for standby or billing demand, whichever is greater
kW Charge Primary	\$0.51	per month per kW for standby or billing demand, whichever is greater
kW Charge Transmission	\$0.47	per month per kW for standby or billing demand, whichever is greater

SOUTHWESTERN ELECTRIC POWER COMPANY

Tariff Manual - Public Utility Commission of Texas

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|T**TRANSMISSION COST RECOVERY FACTOR (TCRF) – RIDER TCRF**

<u>As-Available Standby Power Service</u>	<u>TCRF Factor</u>	
Secondary kW Charge	\$0.12	per kW of As-Available Standby Power requested
Primary kW Charge	\$0.10	per kW of As-Available Standby Power requested
Transmission kW Charge	\$0.02	per kW of As-Available Standby Power requested
<u>Interruptible Power Service -- Sheet 37</u>	<u>TCRF Factor</u>	
Monthly kW Charge	\$0.29	per kW of Billing kW
Minimum Monthly kW Charge	\$0.29	per kW of Billing kW
<u>Interruptible Power Service -- Sheet 38</u>	<u>TCRF Factor</u>	
kW Charge Secondary	\$0.2318	per kW of Billing kW
kW Charge Primary	\$0.0626	per kW of Billing kW
kW Charge Transmission	\$0.1908	per kW of Billing kW
Special Contract	TCRF Factor	
Firm Load kW Charge	\$0.00	per-kW for the curtailable load of billing kW
Curtailable Load kW Charge	\$0.00	per-kW for the curtailable load of billing kW
Off-Peak Load kW Charge	\$0.00	per-kW for the off-peak kW of billing demand

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NOTICE OF RATE CHANGE REQUEST

Southwestern Electric Power Company (SWEPCO or the Company) publishes this notice that on September 30, 2022, it filed its Statement of Intent and Application for Authority to Amend Transmission Cost Recovery Factor (TCRF) with the Public Utility Commission of Texas (Commission) in Docket No. 54040. The filing was made in accordance with the Public Utility Regulatory Act (PURA) § 36.209 and 16 Tex. Admin. Code (TAC) § 25.239. The TCRF will recover SWEPCO's reasonable and necessary costs for transmission infrastructure improvements as well as changes in wholesale transmission charges under a tariff approved by the Federal Energy Regulatory Commission (FERC) to the extent that the costs or charges have not otherwise been recovered. In this application, SWEPCO seeks to recover its transmission capital investments from April 1, 2020 through June 30, 2022. SWEPCO also seeks to recover through the TCRF approved transmission charges that are not otherwise being recovered through current rates. This notice is being published in accordance with PURA § 36.103 and 16 TAC § 22.51(a)(l).

STATEMENT OF INTENT TO CHANGE RATES

SWEPCO requests that the Commission approve an increase of \$8,441,187 above the revenue requirement approved by the Commission in SWEPCO's last base rate case, Docket No. 51415 for its Texas retail customers. This amounts to a 2.1% percent increase in SWEPCO's overall annualized Texas retail revenue requirement. SWEPCO proposes that its requested rate change become effective 35 days after the filing of the Statement of Intent and Application. The proposed effective date is subject to suspension and extension by actions that may be taken by the Commission.

All customers in SWEPCO's Texas retail rate classes will be affected by this change. The impact of the rate change on various customer classes will vary from the overall impact described in this notice.

CONTACT INFORMATION

Persons with questions or who want more information on SWEPCO's Statement of Intent and Application may contact SWEPCO at 428 Travis Street, Shreveport, Louisiana 71101, or call toll-free at (888) 216-3523 during normal business hours. A complete copy of the Statement of Intent and Application and related filings is available for inspection at the address listed in the previous sentence.

Persons who wish to intervene in or comment upon these proceedings should notify the Commission as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136. A request for intervention or for further information should refer to Docket No. 54040. Unless otherwise ordered by the presiding officer, motions to intervene will be due 45 days from the date SWEPCO filed its Statement of Intent and Application with the Commission.

DOCKET NO. 54040

**APPLICATION OF SOUTHWESTERN
ELECTRIC POWER COMPANY FOR
APPROVAL TO AMEND ITS
TRANSMISSION COST RECOVERY
FACTOR**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

PROTECTIVE ORDER

This Protective Order shall govern the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials), including information whose confidentiality is currently under dispute, by a party providing information to the Public Utility Commission of Texas (Commission) or to any party to this proceeding.

It is ORDERED that:

1. **Designation of Protected Materials.** Upon producing or filing a document, including, but not limited to, records on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face “PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 54040” (or words to this effect) and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include the documents so designated, as well as the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.
2. **Materials Excluded from Protected Materials Designation.** Protected Materials shall not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Public Information Act.¹ Protected Materials also shall not include documents or information which at the time of, or prior to disclosure in, a proceeding is or was public knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order.

¹ Tex. Gov't. Code Ann. §§ 552.001-552.353.

3. **Reviewing Party.** For the purposes of this Protective Order, a “Reviewing Party” is any party to this docket.
4. **Procedures for Designation of Protected Materials.** On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party shall file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (a) any exemptions to the Public Information Act claimed to apply to the alleged Protected Materials; (b) the reasons supporting the producing party’s claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (c) that counsel for the producing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.
5. **Persons Permitted Access to Protected Materials.** Except as otherwise provided in this Protective Order, a Reviewing Party may access Protected Materials only through its “Reviewing Representatives” who have signed the Protective Order Certification Form (see Attachment A). Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in this proceeding. At the request of the PUC Commissioners, copies of Protected Materials may be produced by Commission Staff. The Commissioners and their staff shall be informed of the existence and coverage of this Protective Order and shall observe the restrictions of the Protective Order.
6. **Highly Sensitive Protected Material Described.** The term “Highly Sensitive Protected Materials” is a subset of Protected Materials and refers to documents or information that a producing party claims is of such a highly sensitive nature that making copies of such documents or information or providing access to such documents to employees of the Reviewing Party (except as specified herein) would expose a producing party to unreasonable risk of harm. Highly Sensitive Protected Materials include but are not limited to: (a) customer-specific information protected by § 32.101(c) of the Public Utility

Regulatory Act;² (b) contractual information pertaining to contracts that specify that their terms are confidential or that are confidential pursuant to an order entered in litigation to which the producing party is a party; (c) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; and (d) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party shall bear the designation “HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 54040” (or words to this effect) and shall be consecutively Bates Stamped. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party’s designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

7. **Restrictions on Copying and Inspection of Highly Sensitive Protected Material.**

Except as expressly provided in this Protective Order, one copy of Highly Sensitive Protected Materials may be made and kept in the possession of outside counsel for a Reviewing Party and one copy in the possession of the outside consultants having a need to access the materials, except that additional copies may be made to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. The Reviewing Party shall maintain a record of all copies made of Highly Sensitive Protected Material and shall send a duplicate of the record to the producing party when the copy or copies are made. The record shall specify the location and the person possessing the copy. Limited notes may be made of Highly Sensitive Protected Materials, and such notes shall themselves be treated as Highly Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.

8. **Restricting Persons Who May Have Access to Highly Sensitive Protected Material.**

With the exception of Commission Staff, the Office of the Attorney General (OAG), and

² Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (PURA).

the Office of Public Utility Counsel (OPC), and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are: (a) outside counsel for the Reviewing Party; (b) outside consultants for the Reviewing Party working under the direction of Reviewing Party's counsel; or (c) employees of the Reviewing Party working with and under the direction of Reviewing Party's counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party shall limit the number of Reviewing Representatives that review Highly Sensitive Protected Materials to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for Commission Staff, OAG, and OPC, for the purpose of access to Highly Sensitive Protected Materials, shall consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.

9. **Copies Provided of Highly Sensitive Protected Material.** A producing party shall provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8. Representatives of the Reviewing Party who are authorized to view Highly Sensitive Protected Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Any Highly Sensitive Protected Materials provided to a Reviewing Party may not be copied except as provided in Paragraph 7. The restrictions contained herein do not apply to Commission Staff, OPC, and the OAG when the OAG is representing a party to the proceeding.
10. **Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, and the OAG and Control in the Event of Conflict.** The procedures in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party designates as Highly Sensitive Protected Materials and provides to Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of

Paragraphs 10 through 14 conflict with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs shall control.

11. **Copy of Highly Sensitive Protected Material to be Provided to Commission Staff, OPC and the OAG.** When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party shall also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff, OPC, and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC, and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures specified herein.
12. **Delivery of the Copy of Highly Sensitive Protected Material to Commission Staff and Outside Consultants.** The Commission Staff, OPC, and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification provided in Paragraph 15. After obtaining the agreement of the producing party, Commission Staff, OPC, and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification in Attachment A.
13. **Restriction on Copying by Commission Staff, OPC and the OAG.** Except as allowed by Paragraph 7, Commission Staff, OPC and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the presiding officer directs otherwise. Commission Staff, OPC, and the OAG may make limited notes of Highly Sensitive Protected Materials furnished to them, and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken.

14. **Public Information Requests.** In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission, OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.
15. **Required Certification.** Each person who inspects the Protected Materials shall, before such inspection, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of Commission Staff or OPC shall be used only for the purpose of the proceeding in Docket No. 54040. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order shall, before inspection of such material, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

The Reviewing Party shall provide a copy of each signed certification to Counsel for the producing party and serve a copy upon all parties of record.

16. **Disclosures between Reviewing Representatives and Continuation of Disclosure Restrictions after a Person is no Longer Engaged in the Proceeding.** Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected

Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification shall be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person shall be terminated and all notes, memoranda, or other information derived from the protected material shall either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification shall continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.

17. **Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials.** Except for Highly Sensitive Protected Materials, which shall be provided to the Reviewing Parties pursuant to Paragraph 9, and voluminous Protected Materials, the producing party shall provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding pursuant to this Protective Order, but a record shall be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party shall provide the party asserting confidentiality with a copy of that record.
18. **Procedures Regarding Voluminous Protected Materials.** 16 Tex. Admin. Code (TAC) § 22.144(h) will govern production of voluminous Protected Materials. Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.

19. **Reviewing Period Defined.** The Protected Materials may be reviewed only during the Reviewing Period, which shall commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period shall reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.
20. **Procedures for Making Copies of Voluminous Protected Materials.** Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical or electronic copies of the Protected Materials, subject to the conditions in this Protective Order; provided, however, that before photographic, mechanical, or electronic copies may be made, the Reviewing Party seeking photographic, mechanical or electronic copies must provide written confirmation of the receipt of copies listed on Attachment B of this Protective Order identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.
21. **Protected Materials to be Used Solely for the Purposes of These Proceedings.** All Protected Materials shall be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (a) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (b) any business or competitive endeavor of whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to Commission Staff or OPC.
22. **Procedures for Confidential Treatment of Protected Materials and Information Derived from Those Materials.** Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and shall not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials shall be maintained in a

secure place and shall not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to insure that the Protected Materials including notes and analyses made from Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.

23. **Procedures for Submission of Protected Materials.** If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief, motion or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents shall be marked "PROTECTED MATERIAL" and shall be filed under seal with the presiding officer and served under seal to the counsel of record for the Reviewing Parties. The presiding officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (a) shall notify the party which provided the information within sufficient time so that the producing party may seek a temporary sealing order; and (b) shall otherwise follow the procedures in Rule 76a, Texas Rules of Civil Procedure.

24. **Maintenance of Protected Status of Materials during Pendency of Appeal of Order Holding Materials are not Protected Materials.** In the event that the presiding officer at any time in the course of this proceeding finds that all or part of the Protected Materials are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials shall nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the presiding officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a presiding officer's order to the Commission. In the event an appeal

to the Commissioners is filed within those three (3) working days from notice, the Protected Materials shall be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.

25. **Notice of Intent to Use Protected Materials or Change Materials Designation.** Parties intending to use Protected Materials shall notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. 54040 at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party shall first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity each of such Protected Materials. A Reviewing Party shall at any time be able to file a written motion to challenge the designation of information as Protected Materials.
26. **Procedures to Contest Disclosure or Change in Designation.** In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality shall file with the appropriate presiding officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period shall be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response shall include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and, without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or that the party asserting confidentiality for some reason did not allow such counsel to review such

materials. If either party wishes to submit the material in question for in camera inspection, it shall do so no later than five (5) working days after the party challenging confidentiality has made its written filing.

27. **Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation.** If the party asserting confidentiality files an objection, the appropriate presiding officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or Reviewing Party or upon the presiding officer's own initiative, the presiding officer may conduct a prehearing conference. The burden is on the party asserting confidentiality to show that such proposed disclosure or change in designation should not be made. If the presiding officer determines that such proposed disclosure or change in designation should be made, disclosure shall not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such presiding officer's ruling.
28. **Maintenance of Protected Status during Periods Specified for Challenging Various Orders.** Any party electing to challenge, in the courts of this state, a Commission or presiding officer determination allowing disclosure or a change in designation shall have a period of ten (10) days from: (a) the date of an unfavorable Commission order; or (b) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court. Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials shall be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this paragraph. For purposes of this paragraph, a favorable ruling of a state district court, state appeals court, Supreme Court or other appellate court includes any order extending the deadlines in this paragraph.

29. **Other Grounds for Objection to Use of Protected Materials Remain Applicable.** Nothing in this Protective Order shall be construed as precluding any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless the Commission or a court orders such additional disclosure, all parties will abide by the restrictions imposed by the Protective Order.
30. **Protection of Materials from Unauthorized Disclosure.** All notices, applications, responses or other correspondence shall be made in a manner which protects Protected Materials from unauthorized disclosure.
31. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including copies of Protected Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, “conclusion of these proceedings” refers to the exhaustion of available appeals, or the running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the “conclusion of these proceedings” is extended by the remand to the exhaustion of available appeals of the remand, or the running of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel for the party asserting confidentiality will send a written notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph shall prohibit counsel for each Reviewing Party from retaining two (2) copies of any filed testimony,

brief, application for rehearing, hearing exhibit or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel shall remain subject to the provisions of this Protective Order.

32. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act,³ the Texas Securities Act⁴ and any other applicable law, provided that parties subject to those acts will notify the party asserting confidentiality, if possible under those acts, prior to disclosure pursuant to those acts. Such notice shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
33. **Procedures for Release of Information under Order.** If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that: (a) the Reviewing Party shall notify the producing party of the order requiring the release of such information within five (5) calendar days of the date the Reviewing Party has notice of the order; (b) the Reviewing Party shall notify the producing party at least five (5) calendar days in advance of the release of the information to allow the producing party to contest any release of the confidential information; and (c) the Reviewing Party shall use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein. The notice specified in this section shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

³ Tex. Gov't. Code Ann. § 551.001-551.146.

⁴ Tex. Rev. Civ. Stat. Ann. arts. 581-1 to 581-43.

34. **Best Efforts Defined.** The term “best efforts” as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body, the written opinion of the Texas Attorney General sought in compliance with the Public Information Act, or the request of governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials. The Reviewing Party is not required to delay compliance with a lawful order to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of § 552.301 of the Public Information Act, or intends to comply with the final governmental or court order. Provided, however, that no notice is required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
35. **Notify Defined.** “Notify” for purposes of Paragraphs 32, 33 and 34 means written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission, OAG, or OPC may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.
36. **Requests for Non-Disclosure.** If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection afforded by this Protective Order, the producing party shall tender the information for in camera review to the presiding officer within ten (10) calendar days of the request. At the same time, the producing party shall file and serve on all parties its argument, including any supporting affidavits, in support of its position of non-disclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party shall serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the information that the producing party has not alleged should be prohibited from reviewing the information.

Parties wishing to respond to the producing party's argument for non-disclosure shall do so within five working days. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the presiding officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the presiding officer shall stay the order of disclosure for such period of time as the presiding officer deems necessary to allow the producing party to appeal the ruling to the Commission.

37. **Sanctions Available for Abuse of Designation.** If the presiding officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the presiding officer may sanction the producing party pursuant to 16 TAC § 22.161.
38. **Modification of Protective Order.** Each party shall have the right to seek changes in this Protective Order as appropriate from the presiding officer.
39. **Breach of Protective Order.** In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, shall be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party shall not be relieved of proof of any element required to establish the right to injunctive relief. In addition to injunctive relief, the producing party shall be entitled to pursue any other form of relief to which it is entitled.

ATTACHMENT A

Protective Order Certification

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket and that I have received a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. 54040. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated here shall not apply.

Signature

Party Represented

Printed Name

Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

Signature

Party Represented

Printed Name

Date

ATTACHMENT B

I request to view/copy the following documents:

<u>Document Requested</u>	<u># of Copies</u>	<u>Non-Confidential</u>	<u>Confidential and/or H.S.</u>

Signature

Party Represented

Printed Name

Date

I certify that I have reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the applicable designation of Confidential (Protected) Materials or Highly Sensitive (Highly Sensitive Protected) Materials detailed in the Protective Order accompanying this Application.

Patrick Pearsall

Date: August 31, 2022