

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

**APPLICATION OF BRANDY L. WREATH,)
DIRECTOR OF THE PUBLIC UTILITY DIVISION,)
OKLAHOMA CORPORATION COMMISSION, TO)
PUBLICLY DISCLOSE CERTAIN DOCUMENTS)
INFORMATION RELATED TO THE EXTREME)
AND WEATHER EMERGENCY OF)
FEBRUARY 2021)**

CAUSE NO. PUD 202200003

FILED
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COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

**MOTION FOR LIMITED INTERVENTION AND
MOTION FOR PROTECTIVE ORDER**

COMES NOW NextEra Energy Marketing, LLC (“NEM”), and in support of its Motion for Limited Intervention and Motion for Protective Order, states:

1. On January 7, 2022, Brandy L. Wreath, Director of the Public Utility Division (“PUD”), filed an application to publicly disclose certain documents and information related to the extreme weather emergency of February 2021 (“Application”). The Application and associated testimony seek to publicly disclose the following information regarding natural gas trading activities from and including February 7, 2021, through February 21, 2021 related to a weather emergency:

- The natural gas commodity;
- Transportation services;
- Transmission services;
- Storage related expenses ;
- Purchased Power;
- Other related expenses by type and provider; and

- Any penalties related to each category above should be listed out separately by provider and penalty type.

Application at 3.

2. NEM is one of the nation's leading electricity and natural gas marketers, providing a wide range of electricity and gas commodity products as well as marketing and trading services to electric and gas utilities, municipalities, cooperatives and other load-serving entities, as well as to owners of electric generation facilities. NEM provides such products and services to entities within the state of Oklahoma.

3. NEM has been provided notice by Public Service Company of Oklahoma and Oklahoma Natural Gas that in response to the Application and associated data requests they intend to provide the names of suppliers from whom they purchased natural gas, the total volume purchased from each supplier, and the total amount paid to each supplier, including any penalty, including information regarding their transactions with NEM. The disclosure of the total volume purchased from NEM, and the total amount paid to NEM, including any penalty (herein referred to as “NEM Information”), is highly competitive confidential and proprietary information to NEM. Public disclosure of the NEM Information would provide competitors of NEM access to information valuable to them in making their own competitive decisions, without the competitors expending the time and money necessary to gather and develop the information, which, in turn, will directly harm NEM’s competitive interests. Further, the NEM Information sought is confidential to third-parties with whom NEM contracts, and to provide said information requires their consent.

4. Because the disclosure of NEM’s highly competitive confidential and proprietary information is at issue in this matter, NEM qualifies as a party with a “substantive interest” in this matter and should be granted intervention pursuant to OAC 165:5-21-5(c)(1) (“Any person with a

substantive interest in the subject matter of a case may become a party by filing a motion for intervention”).

5. Moreover, to protect the NEM Information, NEM seeks a protective order pursuant to 51 O.S. § 24A.22(A), which requires that the Oklahoma Corporation Commission “keep confidential those records of a public utility, its affiliates, suppliers and customers which the Commission determines are confidential books and records or trade secrets.”

WHEREFORE, NEM requests that the Commission enter an Order granting its limited intervention as a party in this Cause for purposes of assuring protection of its highly competitive confidential and proprietary information. Moreover, NEM requests that the Commission issue a Protective Order to be used by the Parties to the proceeding, as needed to protect NEM Information in this Cause, and that no party shall be authorized to provide the above-referenced confidential information to the Corporation Commission, PUD, or other party, except as consistent with said protective order. Because data requests issued in this Cause to the Respondents have demanded that Respondents disclose NEM confidential information by Tuesday, February 1, 2022, NEM requests that the Commission’s five-day notice requirement for hearings be waived and that this Motion be scheduled for hearing on Thursday, January 27, 2022.

Respectfully submitted,

/s/ James A. Roth

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of January, 2022, a true and correct copy of the foregoing was emailed to:

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