

# CITY OF DENTON

## POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: GENERAL POLICIES/PROCEDURES/DIRECTIVES	REFERENCE NUMBER: 504.02
SUBJECT: PUBLIC INFORMATION	INITIAL EFFECTIVE DATE: 5/17/2002
TITLE: COMPETITIVE MATTERS EXEMPT FROM PUBLIC DISCLOSURE	LAST REVISION DATE:

### ADMINISTRATIVE DIRECTIVE:

Pursuant to Resolution No. R2000-015 of the City Council for the City of Denton, enacted on April 18, 2000, certain activities respecting the City's electric utility constitute "competitive matters" that are related to present and future competitive activity of the electric utility, and would, if disclosed, provide advantage to existing or prospective competitors. Consistent with the identification of such competitive matters, all documents and other information concerning such matters are confidential and are not subject to disclosure pursuant to the Texas Public Information Act.

In furtherance of the City Council's resolution, City of Denton employees will not disclose any of the electric "competitive matters" as identified by the City Council in Resolution No. R2000-015 or in any subsequent supplements or amendments to the list of competitive matters set forth in Resolution No. R2000-015.

City of Denton employees are directed to contact the Assistant City Attorney of Utilities by telephone immediately upon receiving any oral, electronic or written request for production of electric "competitive information" or other public information dealing with the electric utility in any manner. Employees are directed to defer any requests for electric public information to his office and to make no disclosure of such information to the Requestor. Employees shall leave a voicemail message at that number with their name, telephone number, department, the name of the Requestor, the date of the request, the method of the request, and a brief statement of the request. The Assistant City Attorney of Utilities will then return the call and provide instructions on transmitting or carrying the request to him/her.

In the event that the Assistant City Attorney for Utilities is unavailable or does not return a telephone call within four (4) hours, City employees should then immediately contact the Director of Electric Utilities by telephone and provide the above voicemail message.

### I. STATUTORY LIST OF NON-COMPETITIVE MATTERS:

The matters identified below relating to electric matters may be produced, as they constitute "non-competitive" matters under the statute, but should nonetheless also be given to the Assistant City Attorney for Utilities for production:

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- A. Information relating to the provision of distribution access service, including the terms and conditions of the service and the rates charged for the service but not including information concerning utility-related services or products that are competitive.
- B. Information relating to the provision of transmission service that is required to be filed with the Public Utility Commission of Texas, subject to any confidentiality provided for under the rules of the commission.
- C. Information for the distribution system pertaining to reliability and continuity of service, to the extent not security-sensitive, that relates to emergency management, identification of critical loads such as hospitals and police, records of interruption, and distribution feeder standards.
- D. Any substantive rule of general applicability regarding service offerings, service regulation, customer protections, or customer service adopted by the public power utility as authorized by law.
- E. Aggregate information reflecting receipts or expenditures of funds of the public power utility, of the type that would be included in audited financial statements.
- F. Information relating to equal employment opportunities for minority groups, as filed with local, state, or federal agencies.
- G. Information relating to the public power utility's performance in contracting with minority business entities.
- H. Information relating to nuclear decommissioning trust agreements, of the type required to be included in audited financial statements.
- I. Information relating to the amount and timing of any transfer to an owning city's general fund.
- J. Information relating to environmental compliance as required to be filed with any local, state, or national environmental authority, subject to any confidentiality provided under the rules of those authorities.
- K. Names of public officers of the public power utility and the voting records of those officers for all matters other than those within the scope of a competitive resolution provided for by this section.

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L. A description of the public power utility's central and field organization, including the established places at which the public may obtain information, submit information and requests, or obtain decisions and the identification of employees from whom the public may obtain information, submit information or requests, or obtain decisions.

M. Information identifying the general course and method by which the public power utility's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

## II. COMPETITIVE MATTERS IDENTIFIED IN RESOLUTION NO. R2000-015:

The following matters have been identified and listed by the City Council as electric “competitive matters” and, therefore, **SHALL NOT** be disclosed by any employee of the City of Denton, without the advance written authority of City management:

### A. Financial Information, including but not limited to:

- Financial planning, sensitivity and scenario analysis;
- Rate and pricing strategies, studies and targets;
- Revenue and expense projections and targets;
- Historical and projected fuel pricing, purchases and usage;
- Fuel and purchased power hedging/risk management strategies;
- Cost of services studies;
- System valuation studies and related information;
- Cash flow projections;
- Internal audit reports; and
- Debt allocation and debt refunding strategies.

### B. Purchasing and Contract Information, including but not limited to:

- Power purchase pricing, proposals and contracts;
- Power sales pricing, proposals and contracts;
- Fuel purchase pricing, proposals and contracts;
- Fuel transportation pricing, proposals and contracts;
- Purchasing information, including bids, proposals and contracts;
- Negotiations, modeling, data, correspondence, drafts and memoranda related to negotiations and considerations of the above contracts and pricing;
- Information or data related to firms supplying goods or services related to Denton Municipal Electric; and
- Alliance, joint venture and aggregation information.

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## C. Business Operations Information, including but not limited to:

- Corporate strategic and business plans;
- Consulting reports;
- Work management studies;
- Benchmarking studies;
- Personnel compensation; and
- Divestiture or acquisition plans and strategies.

## D. Generation/Transmission/Distribution System Operations Information, including but not limited to:

- System improvement evaluations and recommendations, including economic evaluations;
- Generating unit operating and performance data, including heat rates;
- Engineering and design of generation units and transmission/distribution system;
- Control system design and capabilities;
- Maintenance schedules;
- Unit dispatch and system outage information;
- Load forecasts;
- Generation/transmission/distribution system improvement plans and work papers;
- Generation unit and system audits;
- Transmission and distribution system loading characteristics and capabilities; and
- Target electric generation and production levels.

## E. Sales, Market Research and Marketing, including but not limited to:

- Market research studies;
- Marketing strategies, plans and budgets;
- Sales and promotion strategies; and
- Incentive programs.

## F. Competitive Customer Information, including but not limited to:

- Customer lists or identification data;
- Customer energy pricing, sales and revenue information;
- Customer non-energy pricing, sales and revenue information; and
- Customer load profiles.