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**REPEAT APPLICATION AND NEW APPLICATION FOR CONFIDENTIAL
DESIGNATION
(20 CCR SECTION 2505)**

**2025 INTEGRATED ENERGY POLICY REPORT
DOCKET NUMBER 25-IEP-03**

Applicant: Southern California Edison Company

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1. Identification of the information being submitted, including title, date, size (for example, pages, sheets, megabytes), and docket number

Southern California Edison Company (SCE) submits its 2025 Electricity Demand Forecast Forms 1.1a, 1.1b, 1.2, 1.3, 1.4, 1.5, 1.6a, 2.1, 2.2, 2.3, and 3. For all but column K in Form 1.4, SCE is submitting information that is the same or substantially similar to the information the California Energy Commission (CEC) already granted confidential designation.¹ For such data, pursuant to Title 20 of the California Code of Regulation section 2505(a)(4), SCE is not submitting a new application, but rather a repeat application, for confidential designation.

In addition, SCE is also submitting a new application requesting that the CEC designate the yellow highlighted portion of Form 1.4, column K as confidential. Due to an inadvertent oversight, SCE has not previously sought confidential designation of column K in Form 1.4. As a result, SCE cannot and does not seek confidential designation for previously submitted vintage data in that column. SCE only requests that the CEC restrict the data in column K, which reflect new forecast numbers than those previously submitted, based on a window of confidentiality looking three years, which is calculated by current year plus three years forward, i.e., 2025 through 2028. SCE has highlighted the confidential data in Form 1.4, column K, in yellow.

¹ See 20 CCR § 2505(a)(4).

2. Description of the data for which confidentiality is being requested (for example, particular contract categories, specific narratives, and time periods).

SCE requests that the Energy Commission deem confidential the years 2025 through 2028 in Form 1.4, column K because the California Public Utilities Commission (CPUC) requires SCE to keep such data confidential under a series of decisions, memorialized in the CPUC's Confidentiality Matrix, Section V.D, which provides that Load Serving Entities' (LSEs') energy forecast by service area depicting the peak retail demand, defined as bundled customer energy and plus CCA and direct access, during the hour, month, or year for retail load, is confidential for three years.

3. A clear description of the length of time for which confidentiality is being sought, with an appropriate justification, for each confidential data category request.

For reasons discussed in more detail below, SCE requests that the specified information above be restricted from public disclosure based on a window of confidentiality looking three years forward. As data becomes one year old, the 1-year window of confidentiality for historical data becomes applicable.

This methodology is consistent with the CPUC's Decision (D.) 06-06-066,² and its attached Confidentiality Matrix.³ The CEC and the CPUC are often charged with overlapping responsibilities. As a result, both commissions undertake endeavors that require them to review similar types of data. Accordingly, the CEC has endeavored to work collaboratively with the CPUC to assure regulatory consistency in areas such as the CEC's Demand Forecasts. As a result, in all prior years, the CEC has consistently granted SCE's requests to keep forecasts the CPUC deems confidential restrict from public disclosure. Because the data in column K for Form 1.4 falls squarely within a category of data the CPUC protects as confidential, the CEC should therefore grant SCE's request to keep that data confidential here.

4. Applicable provisions of the California Public Records Act (Government Code Section 6250 *et seq.*) and/or other laws, for each confidential data category request.

² D.06-06-066 has been modified by subsequent decisions, but not with respect to this category of data.

³ D.06-06-066, Attachment A, Confidentiality Matrix.

SCE respectfully requests that the CEC grant SCE the confidential treatment sought. As a factual matter, the data for which SCE requests confidential treatment is confidential proprietary sensitive information that would allow sellers of energy and capacity in the market to discern the quantity of energy SCE must buy or sell on behalf of its customers. SCE purchases and sells large quantities of electricity on behalf of its customers. The marketplace for such purchases and sales is highly competitive. Accordingly, such information is extremely valuable and, if revealed, could place SCE, and its customers, at a competitive disadvantage when purchasing or selling energy.

From a public policy perspective, the CPUC tries to prevent such harm to customers from arising by requiring SCE to protect such information from public disclosure and dissemination. As a regulated utility, SCE is subject to the CPUC and CEC's jurisdiction. SCE is required to provide similar information to both agencies. The information for which SCE is seeking confidential treatment in the IEPR can either be used to calculate or is nearly identical to the information for which SCE receives confidential treatment in the CPUC's Confidentiality Matrix. To maintain consistency between the CEC and CPUC and to avoid nullifying the CPUC's lawful determination that the release of market sensitive information would result in a material increase in electricity prices, the CEC should protect SCE's market sensitive information, just as the CPUC does. Allowing persons or entities to circumvent the CPUC's confidentiality rules by "agency shopping" and thus obtain access to data that would otherwise be deemed confidential can have the unintended consequence of undermining the public's confidence in the regulatory environment and both agencies. As noted above, SCE encourages the CEC to continue to adhere to its policy and practice of adopting a consistent methodology for maintaining the confidentiality of such information.

Finally, with respect to specific legal requirements, the California Legislature has enacted statutes to protect confidential information, including the information for which SCE seeks protection here, from public disclosure. Specifically, the Public Records Act, found at Government Code Section 6254(k), establishes that public records subject to privileges

established in the Evidence Code are not required to be disclosed. Evidence Code §1060 shields “trade secrets” from public disclosure. “Trade secrets” include any “information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) [d]erives independent economic value, actual or potential, from not being generally known to the public or to other persons who could obtain economic value from its disclosure or use; and (2) [i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”⁴

The Section 25322 of the California Public Resources Code governing the confidentiality of information gathered by the CEC follows the same standard.⁵ Specifically, if the information is exempt from disclosure under the California Public Records Act, “[t]he commission shall grant the [confidentiality] request.”⁶ The data for which SCE seeks confidential protection here are trade secrets because they derive value from not being known to the public. In fact, public disclosure of this information could cause electricity prices to materially increase, which would harm customers. Accordingly, SCE makes reasonable efforts to maintain its secrecy.

Although the CPUC’s decisions and the statutes applicable to the CPUC may not be binding on the CEC, as a matter of interagency respect and consistency, the CEC should apply the same level of confidential protection to information provided to it as provided by the CPUC. In D.06-06-066, as modified by D.07-05-032, the CPUC adopted procedures to afford confidentiality to investor-owned utilities’ (IOUs) procurement data, which also fulfills the “trade secret” requirement for maintaining the secrecy of information. These procedures comply with Public Utilities Code §454.5(g), which provides that “the [CPUC] shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information . . .” The CEC, and

⁴ Civil Code § 3426.1(d).

⁵ Cal. Pub. Resources Code 25322 § 25322(a)(1)(A) (“The data collection system managed pursuant to Section 25320 shall include the following requirements regarding the confidentiality of the information collected by the commission: (1) Any person required to present information to the commission pursuant to this section may request that specific information be held in confidence. *The commission shall grant the request in any of the following circumstances: (A) The information is exempt from disclosure under the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.*”) (emphasis added.)

⁶ *Id.*

numerous other stakeholders, participated in the proceeding leading up to D.06-06-066. The CPUC held a week of evidentiary hearings that included experts in the field of economics. Based on this information, D.06-06-066 and its Confidentiality Matrix identify information as market sensitive when releasing the information would materially increase the price of electricity, thereby harming customers.⁷

In summary, public disclosure of the information for which SCE seeks confidential treatment would harm SCE and its customers by revealing its energy needs. Public knowledge of this trade secret information will ultimately lead to SCE's customers being put at a competitive disadvantage when SCE procures or sells energy on their behalf. Accordingly, the CEC should grant this trade secret information confidential treatment.

5. A statement attesting a) that the specific records to be withheld from public disclosure are exempt under provisions of the Government Code, or b) that the public interest in non-disclosure of these particular facts clearly outweighs the public interest in disclosure.

For the reasons explained above, public disclosure of the data could allow the entities to manipulate the electricity market to the disadvantage of SCE's customers. The CPUC has determined that the benefit of maintaining the confidentiality of this "market sensitive" information outweighs any benefit to be gained from publicly releasing it. The data for which SCE seeks protection is "market sensitive" and protected under the CPUC-approved Confidentiality Matrix. Specifically, the data can be used to calculate LSE Total Peak Load Forecast by Service Territory, which SCE is required to keep confidential under the Confidentiality Matrix, Section V.D. SCE therefore treats the data in Form 1.4 for which SCE seeks confidential treatment is protected as a trade secret. It is therefore entitled to confidential treatment under the Public Records Act, the Public Resources Code, and Public Utilities Code.

SCE cannot assign a specific value to the information it seeks to protect. Arguably, it is priceless. The information for which SCE seeks confidential treatment cannot be easily acquired

⁷ See D.06-06-066 at 40-43 and Finding of Fact No. 2, at p. 76.

or duplicated by others. In addition, it could be very costly to SCE's customers (and therefore commercially valuable to its suppliers) if it were publicly disclosed.

6. A statement that describes how each category of confidential data may be aggregated with other data for public disclosure.

Through discussions with CEC staff in previous IEPR proceedings, SCE has worked to identify information that can be aggregated with other data for public disclosure. Nonetheless, for the reasons stated in response to questions 3 and 4, the information required in column K of Form 1.4 cannot be aggregated or masked to allow for its lawful public disclosure. The numbers are, by definition, totals that the CPUC requires SCE to keep confidential to protect customers.

7. State how the record is kept confidential by the Applicant and whether it has ever been disclosed to a person other than an employee of the Applicant. If it has, explain the circumstances under which disclosure occurred.

Based on information and belief, SCE has not, to the best of its knowledge, previously publicly released the specific information for which it seeks confidentiality here. Due to an oversight, SCE did not seek confidential treatment of Form 1.4, column K in a prior iteration of the IEPR, but that data has now been replaced with a new forecast and new numbers. It is that new data, not prior vintages of the data, for which SCE seeks confidential designation. It is also possible that some of the information contained in Form 1.4 may have previously been submitted to the CPUC pursuant to Public Utilities Code Section 583⁸ and other CPUC procedural safeguards to maintain its confidentiality. SCE may have also previously released the information to non-market participants of the CPUC's Procurement Review Group (PRG), which includes members of the Commission's Energy Division staff and the Public Advocates' Office. SCE has only made such information available to non-market participants under a CPUC-

⁸ California Public Utilities Code Section 583 provides: "No information furnished to the commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or a corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any such information is guilty of a misdemeanor."

approved strict non-disclosure agreements pursuant to a CPUC protective order. SCE has not, to the best of its knowledge, publicly made this data available in the form required by the CEC.

I certify under penalty of perjury that the information contained in this Application for Confidential Designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the Applicant.

Dated: June 13, 2025

Signed: /s/ *Brent Buffington*
Name: Brent Buffington
Title: Principal Manager, Demand Forecasting