

**DOCKETED**

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<b>Project Title:</b>	Electricity Resource Plans
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<b>Document Title:</b>	CECs Response to SCE's application for confidentiality
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January 9, 2026

**Via Email**

Rebecca Meiers-De Pastino  
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**Repeated Application for Confidential Designation  
Docket No: 25-IEPR-02**

Dear Rebecca Meiers-De Pastino:

The California Energy Commission (CEC) has received Southern California Edison Company's (applicant) combined repeated and new application for confidential designation, docketed December 12, 2025 (TN 267892), for the following:

- Electricity Resource Planning Supply Forms
  - Form S-1 (repeated)
  - Form S-2 (new)
  - Form S-2a (new)
  - Form S-5 (new)

**Repeated Application (Form S-1)**

The applicant states that these records were previously determined by the CEC's executive director to be confidential for three years and one year retroactive consistent with the California Public Utilities Commission's confidentiality matrix (21-IEPR-02, TN 240600). The applicant asserts, under penalty of perjury, that the document submitted contains information substantially similar to previously submitted information that was granted confidential designation, and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

California Code of Regulations title 20, section 2505(a)(4) provides:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the

previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has met the requirements for confidential designation of the above information as a repeated application. Confidentiality is granted for Form S-1 for three years and one year retroactive, under the same terms as those in the initial letter granting confidentiality.

### **New Application (Forms S-2, S-2a and S-5)**

The applicant seeks confidentiality of the highlighted portions of the information on Supply Forms S-2, S-2a, and S-5. The applicant states that the CEC has not previously granted confidentiality to similar information.

### **Confidentiality Claims**

The applicant states the information to be protected contains proprietary business information and trade secrets and would otherwise cause a loss of competitive advantage.

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [California Energy] Commission to keep the record confidential."

A trade secret may include, but is not limited to, any process, compound, production data, or compilation of data that meet the following requirements: "(1) it is not patented, (2) it is known to only certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and (3) it gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Gov. Code, § 7924.510(f)).

The California Public Records Act allows for the non-disclosure of trade secrets including, among others, those records exempt from disclosure under the Uniform Trade Secrets Act. (Gov. Code, §§ 7927.705(k), 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.)

Civil Code section 3426.1(d) defines "trade secret" as:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or

use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(Civ. Code, § 3426.1(d); See also Gov. Code, §§ 7927.705, 7930.005, 7930.205; Evid. Code, § 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

California Code of Regulations, title 20, section 2505(a)(1)(D), states that if an applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, the application shall state: (1) the specific nature of the advantage, (2) how the advantage would be lost, (3) the value of the information to the applicant, and (4) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

## **Discussion**

The application addresses the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D) by stating:

1. *The specific nature of the advantage* – The Supply Form data contains information that would reveal Southern California Edison and its customers open position.
2. *How the advantage would be lost* – Disclosure of this information may be used by third party market participants to engage in market manipulation that would drive up prices for Southern California Edison's customers.
3. *The value of the information to the applicant* – Public release of the information would result in an unfair competitive disadvantage to the applicant.
4. *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The applicant restricts access to this information internally to only those with a need to know, stores it in password protected systems, and refuses to supply such information to any third parties absent legal compulsion. Some of this information may have been shared with other regulators, such as the CPUC, under confidentiality agreements, or with non-market participants under strict protective orders and non-disclosure agreements. The applicant states that it has never made the data publicly available.

The applicant has made a reasonable showing that the information referenced above should be maintained as confidential as proprietary business information or trade secrets. The data is related to the applicant's forecasted supply needs, contains information that is not public, and has the potential for economic advantage.

### **Executive Director's Determination**

The applicant has made a reasonable claim that the highlighted portions of Supply Forms S-2, S-2a, and S-5 can be maintained as confidential for three years and one year retroactive, consistent with the confidentiality period granted to Southern California Edison's other Electricity Resource Planning Supply Form data. Aggregated and anonymized data may be publicly released.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have questions, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director