

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET****11-IEP-1B**DATE June 03 2011RECD. June 03 2011

June 3, 2011

Mr. Paul A. Szymanski
San Diego Gas & Electric Company
101 Ash Street, HQ 12
San Diego, CA 92101-3017

**RE: Application for Confidentiality—San Diego Gas & Electric Co.
IEPR Electricity Resource Plan Submission
Docket No. 11-IEP-1B**

Dear Mr. Szymanski:

On May 14, 2011, the California Energy Commission (Energy Commission) received San Diego Gas & Electric Company's (SDG&E) application for confidentiality in the above-captioned Docket. This application, dated May 13, 2011, and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2011 Integrated Energy Policy Report*.

SDG&E seeks to protect from public disclosure certain data and information on the following electricity supply forms or tables:

- Form S-1 Capacity Resource Accounting Table
- Form S-2 Energy Balance Accounting Table
- Form S-5 Bilateral Contracts and Power Purchase Agreements

In support of its request for confidentiality, SDG&E's Application states, in part:

These forms provide competitively and commercially sensitive business and resource planning information and trade secrets. (Application at p. 3)

The highlighted lines were marked confidential to prevent exposing how SDG&E anticipates dispatching its resources to meet its bundled customers' energy needs and the amount of power that SDG&E anticipates it will buy or sell into the market. (Application at p. 4)

The primary public interest to be protected is, among other things, that SDG&E will be disadvantaged in procurement such that consumers may well pay higher energy prices than they would if the information was not publicly released. (Application at p. 5)

SDG&E has clearly identified on these forms (Excel worksheets) specific categories and specific time periods of data for which it is seeking confidentiality. These designations match what is requested in SDG&E's Application, and also correspond to a previous confidentiality application dated February 17, 2009 and included in the related grant of confidentiality dated March 19, 2009.

SDG&E has requested 12 categories of information on individual S-5 forms to remain confidential as identified on the supporting declaration by Sally Chen, dated May 12, 2011, and attached to the Application:

Specifically, the following information is substantially similar to information that the Commission deemed to be confidential in 2009: Contract / Agreement Product(s), Availability of Contract Products, Must Take, Generating Unit(s) Specified, Capacity of the Unit(s), Availability of the Unit(s), Unit Contingent/LD Contract, Firm, Transmission Contingent and Path, Termination and Extension Rights, Performance Requirements and Notes.

A properly filed application for confidentiality shall be granted under the 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 [Energy] Commission to keep the record confidential."

SDG&E's confidentiality application makes a reasonable claim to grant confidentiality for the above-described electricity supply forms and tables. All the data and information listed in SDG&E's Application as information to be held confidential could place SDG&E at a competitive disadvantage if disclosed, and are granted confidentiality based on trade secret.

As justification for the length of time the Energy Commission should keep these records confidential, SDG&E's Application states, in part:

SDG&E requests that the forecast data indicated be kept confidential for a period of three years, or through December 31, 2013. The three-year period is adequate time for the demand and supply forecast data to become "stale" in terms of price movement in the electricity and gas markets. (Application at p. 2)

SDG&E also requests that its bilateral contract and power purchase agreement information be kept confidential for three years from the date the contract starts deliveries or until one year following expiration of the contract, whichever comes first. (Application at p. 2)

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Consistent with previous grants of confidentiality, the identified confidential forecast information contained on SDG&E's S-1 and S-2 supply resource forms will be kept confidential until December 31, 2013.

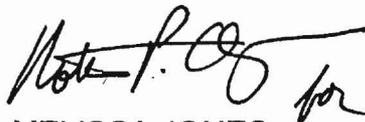
SDG&E has provided 25 individual S-5 forms, and has requested confidentiality for information on 20 of these forms. The expiration and termination dates for each contract are stated on each S-5 form, but the Application does not clearly state the requested termination date for maintaining confidentiality of each contract. Therefore, to reduce administrative burdens associated with protecting this confidential data, to avoid inadvertent disclosure due to variability and complexity of these end dates, and for consistency with other grants of confidentiality, identified information on SDG&E's S-5 forms will be kept confidential until December 31, 2013, or until the contract expiration date, whichever is later.

To prevent disclosure, confidential data that may be used in publicly available reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of SDG&E's load forecasts, resource portfolio, or individual supply contracts.

The Energy Commission appreciates the efforts by SDG&E staff to answer technical questions related to its resource plan filing.

Persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. Be advised that an appeal of this decision must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Jones" with a stylized flourish at the end.

MELISSA JONES
Executive Director

cc: Docket Unit