

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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July 02, 2015

Ms. Tamara Rasberry
Manager, State Regulatory Affairs
Sempra Energy Utilities
925 L Street, Suite 650
Sacramento, CA 95814

**RE: San Diego Gas & Electric Company's Application for Confidentiality
for the 2015 Integrated Energy Policy Report Electricity Demand
Forecast Submission
Docket - 15-IEPR-03 – Electricity and Natural Gas Demand Forecast**

Dear Ms. Rasberry:

On April 24, 2015, the California Energy Commission (Energy Commission) received San Diego Gas and Electric Company's (SDG&E) application for confidentiality in the above-captioned Docket. The application seeks confidentiality for some of the information contained in the Energy Commission's Electricity Demand Forecast forms. SDG&E's application describes this information explicitly as follows:

IEPR Form 1.1b: Retail Sales of Electricity by Class or Sector -Bundled Customers (GWh) Col C-F, Rows 25-27, and Col K, Rows 25-27

IEPR Form 1.2: Distribution Area Net Electricity For Generation Load (GWh), Col C-D, Rows 25-27

IEPR Form 1.3: LSE Coincident Peak Demand by Sector (Bundled Customers) (MW), Col C-K, Rows 25-27, Col M-N, Rows 25-27, and Col P, Rows 25-27

IEPR Form 1.4: Distribution Area Coincident Peak Demand (MW) Col C-F, Rows 25-27

IEPR Form 1.5: Peak Demand Weather Scenarios, Distribution Area Coincident Peak Demand (MW), Col D-G, Rows 10 and 26-37

IEPR Form 1.6a 2014: Recorded Hourly Loads for 2014, Col C-F, all rows and Col H, all rows

IEPR Form 1.6a 2015: Forecasted Hourly Loads for 2015, Col C-F, all rows and Col H, all rows

IEPR Form 1.8: Monthly Photovoltaic Interconnection (MW), Col D-E, Rows 28-29, Col F-G, Rows 24 and 30, Col H-I, Rows 13,14,16,17,27, and 32, Col J-K Rows 7,9,11,15, 20-23, 25, and 31, Col L-M, Rows 8,10,12,18,19, and 26

IEPR Form 2.2: Electricity Rate Forecast (2013 cents/kWh), Col E-I, Rows 25-36

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 California Public Records Act or other provision of law authorizes the Commission to keep the record confidential." The California Public Records Act allows for the non-disclosure of trade secrets and proprietary information. (Government Code, Sections 6254(k), 6254.7, 6254.15 Evidence Code, Section 1060.) The California courts have traditionally used the following definition of trade secret:

...a trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. . . .

(*Uribe v. Howe* (1971) 19 Cal. App.3d 194, 207-208, from the Restatement of Torts, Volume 4, Section 757, Comments b, p.5.)

California Code of Regulations, title 20, Section 2505(a)(1)(D) states that if the applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, or its disclosure would otherwise cause loss of a competitive advantage, 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.

As in the case of prior applications from 2009, 2011 and 2013, SDG&E's confidentiality application does not make a reasonable claim to grant confidentiality for the following information based on the trade secret exemption to the California Public Records Act. (Government Code, Section 6254(k)):

Specifically for Form 1.1b, Col K, Rows 25-27 - information pertaining to migrating load.

Specifically for Form 1.3, Col C-K, Rows 25-27, Col M-N, Rows 25-27, and Col P, Rows 25-27 - all forecasts of LSE coincident peak demand for bundled customers.

Specifically for Form 1.4, Col C-F, Rows 25-27 - forecasts of distribution area coincident peak demand for bundled and direct access customers.

Specifically for Form 1.6a 2014 and 2015, Col H, all rows - the total system hourly load.

Specifically for Form 1.8a, Col D-E, Rows 28-29, Col F-G, Rows 24 and 30, Col H-I, Rows 13,14,16,17,27, and 32, Col J-K Rows 7,9,11,15, 20-23, 25, and 31, Col L-M, Rows 8,10,12,18,19 and 26 – information pertaining to customer PV system capacity

The information contained in Form 1.1b, Form 1.3, Form 1.4, Form 1.6a 2014 and 2015, and Form 1.8a does not constitute trade secrets, nor does the public interest in non-disclosure of such data outweigh the public interest in its disclosure. This conclusion is supported, in part, by the Energy Commission's Order Denying Southern California Edison Company's Appeal of Executive Director Decision Denying Confidentiality, dated April 13, 2005, and, in part, in the subsequent decision in Superior Court upholding that Order (Case No. 05cs00860).

SDG&E's confidentiality application does makes a reasonable claim to grant confidentiality for the following information identified in your application based on the trade secret exemption to the California Public Records Act (Government Code, Section 6254(k)):

Specifically for Form 1.1b, Col C-F, Rows 25-27, all forecasts of retail sales to bundled customers for the forecast years 2015-2017.

Specifically for Form 1.2, Col C-D, Rows 25-27, the following categories for the forecast years 2015-2017:

- Sales to bundled customers
- Direct access sales

Specifically for Form 1.5, Col D-G, Rows 10 and 26-37, the following distribution area coincident peak demand scenarios for the forecast years 2015-2026:

- 1-in-5 temperatures
- 1-in-10 temperatures
- 1-in-20 temperatures
- 1-in-40 temperatures

Specifically for Form 1.6a 2014 and 2015, Col C-F, all rows, the following categories for all hours for the years 2014 and 2015:

- Bundled load

- Bundled losses
- Unbundled load
- Unbundled losses

Specifically for Form 2.2, Col E-I, Rows 25-36, the electricity rate forecast for all sectors for years 2015 to 2026.

The Energy Commission may publicly disclose confidential data only after aggregating on a statewide basis. The information will remain confidential until December 31, 2017.

Any subsequent submittals related to this data can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, Sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in California Code of Regulations, title 20, Section 2506.

Finally, an appeal of this decision must be filed within 14 days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in California Code of Regulations, title 20, Section 2505.

If you have any questions concerning this matter, please contact Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit –15-IEPR-03 – Electricity and Natural Gas Demand Forecast
Sylvia Bender