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CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



July 02, 2015

Ms. Valerie Winn
Chief, State Agency Relations
Pacific Gas and Electric Company
77 Beale Street, B10C
San Francisco, CA 94105

Mr. Christopher J. Warner
Chief Counsel, Law Department
Pacific Gas and Electric Company
P.O. Box 7442
San Francisco, CA 94120

**RE: Pacific Gas and 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. Winn and Mr. Warner:

On April 15, 2015, the California Energy Commission (Energy Commission) received Pacific Gas and Electric Company's (PG&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. PG&E's application describes this information explicitly as follows:

- Form 1.1a, the following categories for the forecast years 2015-2017:
 - Sales To Bundled Customers; and
 - Direct Access Sales
- Form 1.1b, the following category for the forecast years 2015-2017:
 - Sales To Bundled Customers (from 1.1a)
- Form 1.2, the following category for the forecast years 2015-2017:
 - Distribution Area Net Electricity for Generation Load

- Form 1.3, the following categories for the forecast years 2015-2017:
 - Bundled Customer Peak;
 - Losses; and
 - Total Peak
- Form 1.4, the following categories for the forecast years 2015-2017:
 - Bundled Customer Peak (from 1.3);
 - Direct Access and Community Choice Peak (End-User Peak Demand and Losses); and
 - Total Peak
- Form 1.5, the following category for the forecast years 2015-2017:
 - Peak Demand Weather Scenarios
- Form 1.6a, the following categories for all hours for the forecast year 2015:
 - Bundled Load;
 - Bundled Losses;
 - Unbundled Load;
 - Unbundled Losses;
 - Other Load; and
 - Total System Load
- Form 1.6b, the following category for all hours for the forecast year 2015:
 - Total System Load
- Form 2.2, all provided category for the forecast years 2015-2024:
 - Electricity Rate Forecast.
- Form 3.4, the following category for the year 2015:
 - PLS for 2015

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, PG&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)):

- Form 1.1a, the following categories for the forecast years 2015-2017:
 - Sales To Bundled Customers; and
 - Direct Access Sales
- Form 1.3, the following categories for the forecast years 2015-2017:
 - Bundled Customer Peak;
 - Losses; and
 - Total Peak
- Form 1.4, the following categories for the forecast years 2015-2017:
 - Bundled Customer Peak (from 1.3);
 - Direct Access and Community Choice Peak (End-User Peak Demand and Losses); and
 - Total Peak
- Form 1.5, the following category for the forecast years 2015-2017:
 - Peak Demand Weather Scenarios - 1-in-2 Temperatures

- Form 1.6a, the following categories for all hours for the forecast year 2015:
 - Other Load; and
 - Total System Load
- Form 1.6b, the following category for all hours for the forecast year 2015:
 - Total System Load
- Form 3.4, the following category for the year 2015:
 - PLS for 2015

The information contained in Form 1.1a, Form 1.3, Form 1.4, Form 1.5, Forms 1.6a and 1.6b, and Form 3.4 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).

PG&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)):

- Form 1.1b, the following category for the forecast years 2015-2017:
 - Sales To Bundled Customers (from 1.1a)
- Form 1.2, the following category for the forecast years 2015-2017:
 - Distribution Area Net Electricity for Generation Load
- Form 1.5, the following category for the forecast years 2015-2017:
 - Peak Demand Weather Scenarios
 - 1-in-5 temperatures
 - 1-in-10 temperatures
 - 1-in-20 temperatures
 - 1-in-40 temperatures

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- Form 1.6a, the following categories for all hours for the forecast year 2015:
 - Bundled Load;
 - Bundled Losses;
 - Unbundled Load; and
 - Unbundled Losses
- Form 2.2, all provided category for the forecast years 2015-2024:
 - Electricity Rate Forecast.

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