

DOCKETED

Docket Number:	17-IEPR-03
Project Title:	Electricity and Natural Gas Demand Forecast
TN #:	217857
Document Title:	SDGE Application for Confidential Designation for Form 8.1a (IOU) 2017 IEPR
Description:	Confidential data is for Row 18, Col. B-O and Row 19, Col. F-O.
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Submitter Role:	Applicant
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**APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 CCR SECTION 2505)**

2017 INTEGRATED ENERGY POLICY REPORT
Docket No. 17-IEPR-03 Electricity and Natural Gas Demand Forecast

Applicant: San Diego Gas & Electric Company (“SDG&E”)

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1. Identification of the Information Being Submitted

SDG&E seeks confidential designation for data provided to the California Energy Commission (“Commission”). SDG&E is providing such data to the Commission as part of the 2017 Integrated Energy Policy Report (“IEPR”) (Docket No. 17-IEPR-03) process and pursuant Title 20, Section 1345 of the California Code of Regulations (“CCR”). The information for which confidential designation is requested pertains to natural gas-fired average fuel prices (\$/MMBtu) and average carbon allowance prices ((\$/MTC02E). The data for which confidentiality is being sought ranges over the years 2015-2028. The data is being provided in Excel spreadsheets and in total is less than one megabyte in size.

2. Description of the Data or Information for which Confidentiality Is Being Sought

- IEPR Form 8.1a (IOU) Natural Gas-Fired Average Fuel Price (\$/MMBtu): Row 18, Col. B-O (for years 2015-2028)
- IEPR Form 8.1a (IOU) Average Carbon Allowance Price (\$/MTC02E): Row 19, Col. F-O (for years 2019-2028)

3. Description of the period for which confidentiality is being sought

SDG&E requests that the data indicated be kept confidential for a period of three years, or through December 31, 2019. This length of protection is required to ensure that SDG&E’s detailed supply forecast data remains secure from market participants who could otherwise make competitive use of this information to the detriment of utility ratepayers. The three-year confidentiality period requested by SDG&E is consistent with the protection given to this same data by the California Public Utilities Commission (“CPUC”). Three years is adequate time for the demand forecast data to become “stale” in terms of price movement in the

relevant markets, and SDG&E has no objection to the data being made public after that time.

4. Information Substantially Similar to Information Previously Deemed Confidential by the Commission Continues to Warrant Confidential Treatment

(a) Information Substantially Similar to Information Previously Deemed Confidential by the Commission Continues to Warrant Confidential Treatment

Some of the information for which confidentiality is being sought is substantially similar to information that was previously deemed confidential by the Commission. Accordingly, attached as Attachment A to this Application is a certification, executed under penalty of perjury, stating that the submitted information is substantially similar to the previously submitted information. This certification applies to the following categories of information:

- IEPR Form 8.1a (IOU) Natural Gas-Fired Average Fuel Price (\$/MMBtu): Row 18, Col. B-O (for years 2015-2028)

Pursuant to CCR, Title 20, Section 2505(a)(4), the foregoing information should be deemed confidential.

(b) Confidential Treatment for Other Categories (not previously deemed confidential by the Commission) is Also Warranted

i. Government Code, Other Laws and Precedent Supporting Confidential Treatment

Some of the information, has not been the subject of a prior confidentiality request, but was obtained by SDG&E through a third party provider (the Intercontinental Exchange [“ICE”] data service) that prohibits the public disclosure of its proprietary information. Evidence Code Section 1060 provides a privilege for trade secrets, which is defined in Civil Code Section 3426.1 as information, including a formula, technique, and process, that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure. *See also* Govt. Code Section 6254.7(d). It is well established that the Courts protect trade secret information from disclosure where disclosure would be harmful. *See, e.g., Klamath-Orleans Lumber v. Miller* (2d Dist. 1978) 87 Cal. App. 3d 458. Among the harms that disclosure causes is the ability of competitors to gain knowledge at the expense of the privilege holder. *Morlife, Inc. v. Perry* (1st Dist. 1997) 56 Cal. App. 4th 1514.

ii. Public Interest in Non-Disclosure Outweighs Public Interest in Disclosure

SDG&E believes that there is a strong public interest in maintaining the proprietary information of third-parties (like ICE) who have shared such information with SDG&E via a license agreement. If SDG&E were forced to disclose such information without a legal order to do so, future collection of similar information would be more difficult and could lead to legal action against SDG&E. For these reasons, the following information should be granted confidential treatment.

- IEPR Form 8.1a (IOU): Average Carbon Allowance Price (\$/MTC02E): Row 19, Col. F-O (for years 2019-2028)

5. Certification

SDG&E, is a California corporation, and I am authorized to make the application and certification on behalf of SDG&E.

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. Also, to the best of my knowledge, SDG&E has not previously publicly released the information that is the subject of this Application in precisely the presented format or projected over the presented duration of time.

Dated: June 5, 2017

Signed: /s/ BENJAMIN A. MONTOYA
Name: Benjamin A. Montoya
Title: Principal Resource Planner

DATED this 5th day of June, 2017, at San Diego, California.

Respectfully submitted,

/s/ JOHN A. PACHECO
John A. Pacheco

Attorney for
San Diego Gas & Electric Company
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ATTACHMENT A

**DECLARATION REGARDING INFORMATION SUBSTANTIALLY SIMILAR
TO INFORMATION PREVIOUSLY DEEMED
CONFIDENTIAL BY THE COMMISSION
Docket No. 17-IEPR-03 Electricity and Natural Gas Demand Forecast**

As described in the attached Application, San Diego Gas & Electric Company (“SDG&E”) requests that certain information be designated as confidential by the Commission Pursuant to CCR, Title 20, Section 2505(a)(4). Specifically, the following categories of information are subject to confidential treatment under CCR, Title 20, Section 2505(a)(4):

- IEPR Form 8.1a (IOU) Natural Gas-Fired Average Fuel Price (\$/MMBtu): Row 18, Col. B-O (for years 2015-2028)

SDG&E requests that the information be designated confidential for a period of three years, or through December 31, 2019. In the 2015 Integrated Energy Policy Report (“IEPR”) proceeding (Docket No. 15-IEPR-03-Electricity and Natural Gas Demand Forecast), the Commission’s Executive Director (Robert P. Oglesby) determined that substantially similar data in the same forms qualified for confidential protection for those same time periods under Government Code § 6254. *See Response to SDG&E Application for Confidentiality for Resource Plan Forms*, Docket No. 15-IEPR-03-Electricity and Natural Gas Demand Forecast (dated June 23, 2015).

Accordingly, pursuant to 20 CCR § 2505(a)(4), SDG&E submits the following certification regarding the Commission’s prior confidentiality designations.

1. I certify under penalty of perjury that the information described above for which SDG&E seeks confidential treatment is substantially the same information as that which the Commission has previously designated as confidential in Docket No.

15-IEPR-03-Electricity and Natural Gas Demand Forecast and that the facts and circumstances relevant to confidentiality remain unchanged; and

2. I am authorized to make this application and certification on behalf of SDG&E.

Date: June 5, 2017

By: /s/ BENJAMIN A. MONTOYA
Benjamin A. Montoya
Principal Research Planner
San Diego Gas & Electric Company