

DOCKETED

Docket Number:	17-IEPR-03
Project Title:	Electricity and Natural Gas Demand Forecast
TN #:	218851
Document Title:	SCE's Application for Confidential Designation
Description:	Segments on Form 1.6d reveal customer accounts and usage that contain confidential information
Filer:	Patty Paul
Organization:	Southern California Edison Company
Submitter Role:	Applicant
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Rebecca Meiers-De Pastino
Senior Attorney
Resource Policy & Planning
Rebecca.Meiers.Depastino@sce.com

June 14, 2017

VIA UNITED PARCEL SERVICE
Tracking Number: 1ZA4505A0191478847

Docket Unit
California Energy Commission
Re: Docket No. 17-IEPR-03
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.ca.gov

Re: *Southern California Edison Company's Historic and
Forecast Electricity Demand Form 1.6d*

Dear Docket Office:

Enclosed, per instructions from the Energy Commission's legal counsel, please find SCE's Form 1.6d and accompanying application for confidential designation.

Very truly yours,

/s/ Rebecca Meiers-De Pastino

Rebecca Meiers-De Pastino

Enclosure(s)

cc: Marissa Blunski

**APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 CCR SECTION 2505)**

**2017 INTEGRATED ENERGY POLICY REPORT
DOCKET NUMBER 17-IEPR-03**

Applicant: Southern California Edison Company (SCE)

Attorney for Applicant:	Rebecca Meiers-De Pastino
Address of Attorney:	2244 Walnut Grove Ave. Rosemead, California 91770 rebecca.meiers.depastino@sce.com (626) 302-6016

1. Identification of the information being submitted, including title, date, size (for example, pages, sheets, megabytes), and docket number

In accordance with the 2017 California Energy Commission's (CEC's) Integrated Energy Policy Report (IEPR) instructions, SCE submitted its 2017 Electricity Demand Forecast Forms 1.6d on April 12, 2017.¹ Because Excel is limited to about 1.05 million rows, the average load profiles for non-residential customers cannot be provided in current CEC's format for Form 1.6d.² SCE and the CEC therefore agreed to provide Form 1.6d in SAS, instead of Excel, through channels other than the CEC's docket office upload system. SCE requests confidential treatment of certain data in Form 1.6d.

2. Description of the data for which confidentiality is being requested (for example, particular contract categories, specific narratives, and time periods).

Of the 160 "segments for which load profiles were provided for each of 2014 and 2015 calendar years on Form 1.6d, 32 segments in 2014 and 33 segments in 2015 represent less than 15 customer accounts and therefore reveal confidential customer information, including customer identity and usage, in violation of state law, the CEC's regulations, and the California Public Utilities Commission's tariffs and decisions governing the confidentiality of customer

¹ SCE requested and the CEC granted an extension of the filing date for Form 1.6d from February 2017 to June 5, 2017.

² March 29, 2017 email exchange between Asish Gautam and Cyrus Sorooshian.

information. Although it is not possible to redact or shade portions of SAS files as confidential, SCE flagged these segments in the Summary statistics table in the last column. Because SCE could not highlight or shade individual entries, SCE labeled the entire file “Confidential.”

3. A clear description of the length of time for which confidentiality is being sought, with an appropriate justification, for each confidential data category request.

Under state law, CPUC decisions and tariffs, as well as the CEC’s regulations, confidentiality of customer-specific data has no set term or expiration date.³ The data may also reveal market sensitive information that would allow market participants to manipulate the market to drive up costs for customers. SCE purchases and sells large quantities of electricity on behalf of its customers. The market place for such purchases and sales is highly competitive. Accordingly, such information is extremely valuable and, if revealed, could place SCE at a competitive disadvantage when purchasing or selling energy. From a public policy perspective the CPUC tries to prevent harm to customers by requiring SCE to protect both types of information from public disclosure and dissemination.⁴

The CEC and the CPUC are often charged with overlapping responsibilities. As a result, both commissions undertake endeavors that require them to review similar types of data. Accordingly, the CEC endeavors to work collaboratively with the CPUC to assure regulatory consistency in areas such as the CEC’s Demand Forecasts and should continue to employ that practice with respect to its disposition of this application.

4. Applicable provisions of the California Public Records Act (Government Code Section 6250 *et seq.*) and/or other laws, for each confidential data category request.

The data described above for which SCE requests confidential treatment is confidential, private, proprietary and valuable. For this reason, the Public Utilities Code and CPUC decisions

³ See, e.g., Cal. Const. Art. I, Sec. 1 “(Each citizen has the right to privacy.)”; SCE Tariff Rule 25, Cal. Pub. Util. Code § 394.4; CPUC D.14-05-016; Cal. Gov’t Code § 6254(k); Cal. Evid. Code § 1060, Cal. Pub. Resources Code § 25322; 20 CCR § 2505.

⁴ See, e.g., Cal. Pub. Util. Code § 454.5(g); CPUC’s General Order (GO) 66-C § 2.2; D.06-06-066, as modified by D.07-05-032, Confidentiality Matrix; D.14-05-016; SCE Tariff Rule 25.

protect such information from public disclosure and dissemination. As noted above, SCE encourages the CEC to act in conformance with the CPUC's treatment of such data.

The California Legislature has enacted statutes to protect confidential information, including the information for which SCE seeks protection here, from public disclosure. Specifically, the Public Records Act, found at Government Code Section 6254(k), establishes that public records subject to privileges established in the California Evidence Code are not required to be disclosed. Evidence Code §1060 shields "trade secrets" from public disclosure. "Trade secrets" include any "information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) [d]erives independent economic value, actual or potential, from not being generally known to the public or to other persons who could obtain economic value from its disclosure or use; and (2) [i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy."⁵

Section 25322 of the California Public Resources Code governing the confidentiality of information gathered by the CEC follows the same standard.⁶ Specifically, if the information is exempt from disclosure under the California Public Records Act, "[t]he commission shall grant the [confidentiality] request."⁷ The data compilations for which SCE seeks confidential protection here are trade secrets because they derive independent value from not being known to the public. Accordingly, SCE engages in reasonable efforts to maintain the data's secrecy.

⁵ Civil Code §3426.1(d).

⁶ Cal. Pub. Resources Code 25322 § 25322(a)(1)(A) ("The data collection system managed pursuant to Section 25320 shall include the following requirements regarding the confidentiality of the information collected by the commission: (1) Any person required to present information to the commission pursuant to this section may request that specific information be held in confidence. *The commission shall grant the request in any of the following circumstances: (A) The information is exempt from disclosure under the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.*") (emphasis added.)

⁷ *Id.*

- 5. A statement attesting a) that the specific records to be withheld from public disclosure are exempt under provisions of the Government Code, or b) that the public interest in non-disclosure of these particular facts clearly outweighs the public interest in disclosure.**

Of the 160 “segments for which load profiles were provided for each of 2014 and 2015 calendar years on Form 1.6d, 32 segments in 2014 and 33 segments in 2015 represent less than 15 customer accounts and therefore reveal confidential customer information, including customer identity and usage, in violation of state law, the CEC’s regulations, and the California Public Utilities Commission’s tariffs and decisions governing the confidentiality of customer information. Because it is not possible to redact or shade portions of SAS files as confidential, SCE labeled the entire form “Confidential.” SCE also, however, flagged the confidential segments in the Summary statistics table in the last column.

SCE cannot assign a specific value to the information it seeks to protect. The information for which SCE seeks confidential treatment cannot be easily acquired or duplicated by others. In addition, it would be very costly to SCE’s customers (and therefore commercially valuable to its suppliers) if it were publicly disclosed.

- 6. A statement that describes how each category of confidential data may be aggregated with other data for public disclosure.**

Through discussions with Energy Commission staff in previous IEPR proceedings, SCE has worked to identify information that can be aggregated with other data for public disclosure. The information required the 2017 Electricity Demand Forecast Form 1.6d cannot be aggregated or masked to allow for its public disclosure.

- 7. State how the record is kept confidential by the Applicant and whether it has ever been disclosed to a person other than an employee of the Applicant. If it has, explain the circumstances under which disclosure occurred.**

Based on information and belief, SCE has not, to the best of its knowledge, previously publicly released the information for which it seeks confidentiality here. Some of the information contained in the referenced forms may have previously been submitted to the CPUC

pursuant to Public Utilities Code Section 583⁸ and other CPUC procedural safeguards to maintain its confidentiality. SCE has not, to the best of its knowledge, publicly made this data available in the form required by the CEC.

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 and that I am authorized to make the application and certification on behalf of the Applicant.

Dated: June 6, 2017

Signed: 

Name: Cyrus Sorooshian-Tafti

Title: Senior Manager, Modeling, Forecasting, & Economic Analysis

⁸ California Public Utilities Code Section 583 provides: "No information furnished to the commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or a corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any such information is guilty of a misdemeanor."