

CONFIDENTIAL

LAW OFFICES OF CARRIE ANNE DOWNEY

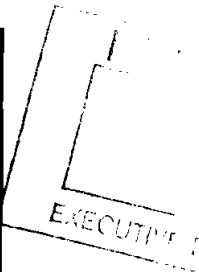
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June 5, 2007

DOCKET	
06-IEP-1H	
DATE	JUN 0 5 2007
RECD.	JUN 2 5 2007



B.B. Blevins, Executive Director
California Energy Commission
516 Ninth Street MS-39
Sacramento, CA 95814-5504

RE: Docket #06-IEP-1H Imperial Irrigation District Application for Confidentiality

Dear Mr. Blevins:

Imperial Irrigation District (IID), although denying it is required to, is filing form 4 and Other Revenue form information requested by the California Energy Commission in Docket #06-IEP-1H. IID is hereby applying for confidentiality for the entirety of the information on form 4 including the other revenue form/file. Enclosed are the applications for confidentiality in hard copy, and an electronic copy of the IID information on both form 4 and the non-confidential information on the remaining other revenue spreadsheet in docket #06-IEP-1H that has previously been provided to CEC staff without a confidentiality request.

IID has also enclosed another request for confidentiality for information requested by CEC consultant RW Beck in this proceeding. IID was requested to provide a five year capital plan. The IID is providing the electronic spreadsheet requested but is not acknowledging it is required to. Because this is a draft document at this time, IID is also separately requesting confidentiality for this information.

If there are any questions concerning the confidentiality application or the IID submittal, I can be reached at (619) 522-2040 or cadowney@san.rr.com.

Sincerely,

A handwritten signature in cursive script that reads "Carrie A. Downey".

Carrie A. Downey

Enc: (4)
Copy to:
Ms. Sondra Ainsworth

IMPERIAL IRRIGATION DISTRICT'S
P.O. Box 937, 333 E. Barioni Blvd.
Imperial, CA 92251
APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 CCR SECTION 2025)

DOCKET No. 06-IEP-1H

1. (a) Title, data and description for the record.

Imperial Irrigation District 5 year Capital Plan

(b) Specify the part(s) of the record for which you request confidential designation.

The Imperial Irrigation District (IID) is requesting confidential designation for its five year Capital Plan.

2. State and justify the length of time the Commission should keep the record confidential.

CEC consultant Greg Broeking of RW Beck, is assisting CEC staff in analyzing the information gathered in the 06-IEP-1H docket. IID has been requested to provide a copy of its 5 year Capital Plan. IID is in the midst of reviewing plans within its Energy Department and seeking Board approval. The enclosed draft plan has not been approved by the IID Board in open session and is still in draft stage. IID is willing to provide it for planning purposes but only if it will remain confidential until approved in open session by the IID Board of Directors. .

3. (a) State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) applies to the record.

IID, a municipal utility, is not a member of the California Independent System Operator control area and is not required to compile the type of information requested by the CEC contractor in Docket #06-IEP-1H. Although per IID practice and policy, IID publicly updates its Board of Directors on planned capital improvements, that information was not current. If the CEC had not asked IID to compile this information, the information and staff projections would not have been in a document subject to the California Public Records Act (CPRA). The working papers from consultants within IID would be considered pre-decisional, not yet approved and exempted from disclosure under (Gov. Code, § 6254(k), Evid. Code § 1060). Prior to this request no accurate document existed with this information subject to the act within IID's custody. The attached

forms are work product of IID employees and have only been formatted on these spreadsheets at the request of the CEC. There is not a reason that IID staff would be presenting this information in this form to the IID Board. Until such time as it is presented to the Board of Directors, the information would be considered draft.

- (b) **Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the Information to the Applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.**

If the information is not protected until such time as IID makes it public, then it would discourage all entities, not just the non-jurisdictional entities, from forecasting with the most up-to-date information in future IERP data collections. That result would be decidedly not in the public interest. IID is under no obligation to provide this spreadsheet to the CEC or its contractors.

Finally, because the California Public Utilities Commission maintains confidential procurement information it receives, under section 454.5 of the Resources Code, the CEC should act accordingly. The Recognition in the Resources Code that market sensitive information should be protected, should apply in all situations. This would promote the public's interest in oversight by the CEC of the State's Energy resources. If it is not protected it would discourage open reporting by all utilities in both forums.

4. **State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the Applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if it is aggregated or masked, explain why.**

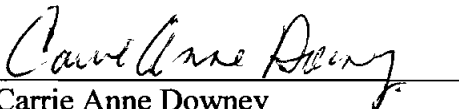
Because IID is its own control area, it would be impossible to mask the information geographically. IID appreciates the efforts the CEC has gone to in the past to aggregate IID's information. IID is open to ways to mask the information. Masking would work in large scale information if IID's information was combined with other POUs and state wide predictions are made versus geographically designated.

5. **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.**

Because the information did not exist prior to the CEC request, it has not been disclosed. If IID were to compile forecasts of this nature, it would be disclosed to the IID Board of Directors in a public Meeting. If and when such projections are made public at an IID Board meeting, IID can notify the CEC, and the confidentiality could be waived at that time.

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 22, 2007

Signed: 
Carrie Anne Downey
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1313 Ynez Place
Coronado, CA 92118
Phone (619) 522-2040
Fax (619) 522-2043
Email: cadowney@san.rr.com
Attorney for Imperial Irrigation District

CONFIDENTIAL

IMPERIAL IRRIGATION DISTRICT'S
P.O. Box 937, 333 E. Barioni Blvd.
Imperial, CA 92251
APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 CCR SECTION 2025)

DOCKET No. 06-IEP-1H

1. (a) **Title, data and description for the record.**

Publicly Owned Utilities Retail Electricity Price Data

(b) **Specify the part(s) of the record for which you request confidential designation.**

The Imperial Irrigation District (IID) is requesting confidential designation for the entire contents of Form 4 including the "Other Revenue" file/form for all years provided.

2. **State and justify the length of time the Commission should keep the record confidential.**

The projections are for several years from 2007 to 2018. Competitors can use this information in several ways to game the IID. IID requested and received confidentiality for its data reported on CEC forms 06-IEP-1E, 1I, and 1F. This was to avoid alerting companies that would be bidding into any future IID Energy purchase requests for proposal, what IID's shortages were and at what location and time. Any purchase decisions in the next two years, would be affected if the bidders were aware of IID's revised long term projected MW needs. Because IID is forecasting the same information to answer the projected retail costs on form 06-IEP-1H, the grant of confidentiality in the earlier proceedings would be moot if it could be determined from IID's answers to data requested under 06-IEP-1H. IID believes that two years from today would allow IID to complete its planning process and contract for anticipated short and long term energy purchases. Release of this information prior to that time would compromise IID's procurement strategies. In three years, the competitive advantage gained by the bidders will be significantly lessened, as the projections will no longer be the most up-to-date.

3. (a) **State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) applies to the record.**

IID, a municipal utility, is not a member of the California Independent System Operator control area and is not required to compile the type of

information requested by the CEC in Docket #06-IEP-1H. Although per IID practice and policy, IID publicly updates its Board of Directors on the energy resource projections and projected effect on rates, that information was not current. IID does not in practice provide future forecasts in the detail or the 10 year planning horizon requested by the CEC to the board or the public. If the CEC had not asked IID to compile this information, the information and staff projections would not have been in a document subject to the California Public Records Act (CPRA). The working papers from consultants within IID would be considered pre-decisional, not yet approved and exempted from disclosure under (Gov. Code, § 6254(k), Evid. Code § 1060). Prior to this request no document existed with this information subject to the act within IID's custody. The attached forms are work product of IID employees and have only been formatted on these spreadsheets at the request of the CEC. There is not a reason that IID staff would be presenting this information in this form to the IID Board. Until such time as it is presented to the Board of Directors, the information would be considered draft.

IID provided the information in forms 1(a), (b) (c), and 2 earlier in this proceeding when they were available without a request for confidentiality because the information had been compiled and previously made public. California Public Resources Code §25320 only requires that a utility submit what it already possesses, controls, or can be expected to acquire through its market activities. IID did not possess the information on forms 4 and "Other Revenue" in this format prior to the CEC data request and is providing this information in an effort to assist in the statewide effort to forecast retail electricity prices.

- (b) Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the Information to the Applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.**

Although IID complied earlier with the CEC's data request on forms 1(a), 1 (b), 1 (c), and 2, without requesting confidentiality, IID strenuously objects to formatting information on form 4 and "Other Revenue" in such away as to create spreadsheets that would enable energy companies to determine exactly how IID bid and paid for existing contracts based on our hourly needs and what IID's current noncontracted amount is and how much revenue is available to pay for such resources. This information will allow companies to game the IID. The process of assembling the requested information in this way will only decrease the competitive nature of the bids IID receives when it puts out a request for proposal to purchase energy in the future. Potential

bidders will be able to achieve a competitive advantage in predicting IID's needs in a way that they would not without these forms. It is IID ratepayers that would suffer. By compiling all the information on one form, it makes it not only possible but also probable that all competing entities will request these forms and thereby bid accordingly.

If the information is not protected until such time as IID makes it public, then it would discourage all entities, not just the non-jurisdictional entities, from forecasting with the most up-to-date information in future IERP data collections. That result would be decidedly not in the public interest.

Finally, because the California Public Utilities Commission maintains confidential procurement information it receives, under section 454.5 of the Resources Code, the CEC should act accordingly. The Recognition in the Resources Code that market sensitive information should be protected, should apply in all situations. This would promote the public's interest in oversight by the CEC of the State's Energy resources. If it is not protected it would discourage open reporting by all utilities in both forums.

4. **State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the Applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if it is aggregated or masked, explain why.**

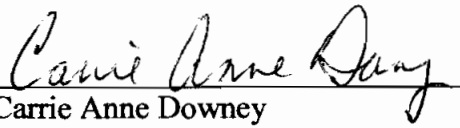
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5. **State how the record is kept confidential by the Applicant and whether it has ever been disclosed to a person other than an employee of the Applicant. If it has, explain the circumstances under which disclosure occurred.**

Because the information did not exist prior to the CEC request, it has not been disclosed. If IID were to compile forecasts of this nature, it would be disclosed to the IID Board of Directors in a public Meeting. It is not likely that IID would ever have a need to provide projections in an hourly format to the board 10 years in advance. If and when such projections are made public at an IID Board meeting, IID can notify the CEC, and the confidentiality could be waived at that time.

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 22, 2007

Signed: 
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