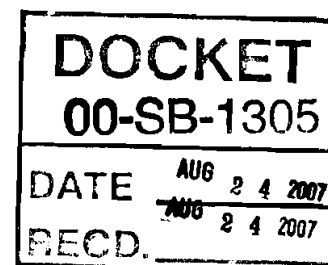


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

August 24 , 2007

Mr. Greg Bass
Director – Retail Commodity Operations
Sempra Energy Solutions, LLC
101 Ash Street, HQ09
San Diego, CA 92101



RE: **Application for Confidentiality: Annual Power Source Information**
Docket No. 00-SB-1305

Dear Mr. Bass:

On April 16, 2007, Sempra Energy Solutions (SES) filed an application for confidential designation in the above-captioned proceeding. SES's application requests the following data be kept confidential:

- Schedule 1: Retail Sales – Contains the 2006 retail sales for SES.
- Schedule 2A: Retail Sales – Contains the 2006 retail sales for SES.

SES states, in part:

The above mentioned forms submitted by SES contain trade secrets or otherwise commercially sensitive data. For example, the information could be used to determine SES's historical and forecasted power and capacity needs. That information in turn could be used by SES's competitors to refine their business strategies and cause competitive harm to SES. It could also be used by suppliers, to SES's disadvantage, when negotiating the price and terms of procurement transactions. . . . SES further requests that the designation of confidentiality be for a 3-year period. However, the data can be released immediately if aggregated with all the other energy service providers' ("ESP") Annual Reports to the California Energy Commission.

The California Public Records Act allows for non-disclosure of trade secrets. (Gov. Code, § 6254(k), Evid. Code, § 1060.) The California Courts have traditionally used the following definition of trade secret:

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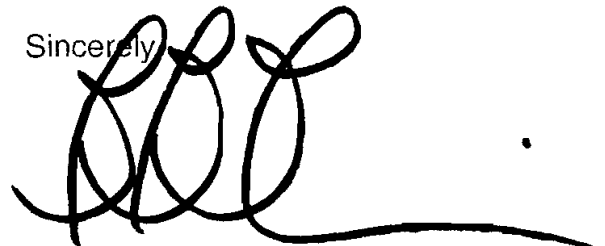
[A] trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. . . .

(*Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207-208, 96 Cal.Rptr. 493, 500-501, from the Restatement of Torts, vol. 4, sec. 757, comment b, p. 5.)

SES's application does not make a reasonable argument under the Energy Commission's regulations for classifying the information that you have submitted as a trade secret. (Cal. Code Regs., tit. 20, § 2505.) Therefore, I must deny your request for confidentiality. Specifically, the information contained in Schedules 1 and 2A is public or will be public when this information is filed with the Energy Commission and/or California Public Utilities Commission as part of the "CEC-RPS-Track" and/or RPS Guidebook. Consequently, this information cannot be designated as confidential.

The procedures and criteria for appealing this decision are set forth in the California Code of Regulations, title 20, section 2505. Be advised that an appeal of this decision must be filed within 14 days from my decision. If you have any further questions regarding this decision, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

B. B. BLEVINS
Executive Director

cc: Project Manager, 00-SB-1305
Docket Unit