

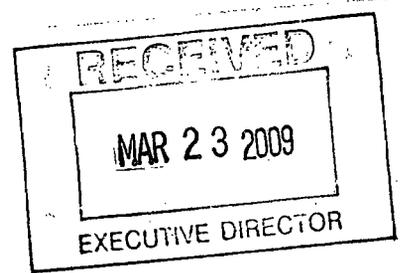


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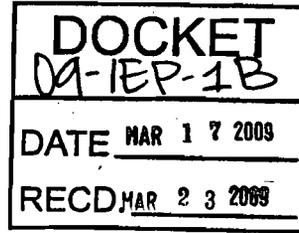
H. DAVID NAHAI,  
*Chief Executive Officer and General Manager*

COMPLETED



March 17, 2009

Ms. Melissa Jones, Executive Director  
California Energy Commission  
1516 Ninth Street, MS-39  
Sacramento, California 95814-5504



Dear Ms. Jones:

Subject: Application for Confidentiality Designation of Certain Data Included in the Electricity Resource Plans (Docket 09-IEP-1B) Submittal to the California Energy Commission (CEC) for the 2009 Integrated Energy Policy Report (IEPR)

*L.A.'s the Place*  
The Los Angeles Department of Water and Power (LADWP) is requesting confidentiality designation for certain data as described below, consistent with Title 20 of the California Code of Regulations, § 2505 et seq. Reasons for this request are provided, and data has been highlighted in yellow on the enclosed S-5 form.

**Applicant Name, Address, and Contact Information.**

Mr. Aram Benyamin  
Senior Assistant General Manager - Power System  
Los Angeles Department of Water and Power  
111 N. Hope Street, Room 921  
Los Angeles, CA 90012  
Office: (213) 367-4435  
E-Mail: Aram.Benyamin@ladwp.com

**1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. Information or data seeking a designation of confidentiality must be included with this application.**

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Electricity Resource Planning Form S-5, as submitted to the CEC on March 2, 2009. We have identified 14 contracts with confidential information (seven renewable contracts and seven non-renewable contracts).

***1(b). Specify the part(s) of the information or data for which you request confidential designation.***

All information highlighted in yellow (counterparty and identification of generating unit information).

***2. State and justify the length of time the Energy Commission should keep the information or data confidential.***

Yellow highlighted data shall be kept confidential through the end of 2012 for all contracts, except through the end of 2016 for the County of Los Angeles and UCLA contracts.

***3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.***

California Code of Regulations, Title 20, Section 2505(b) Other Public Entities. When another state or local agency possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.

The 14 supply contracts that the Commission has requested information from contain counterparty confidential information.

Furthermore, the following Gov. Code provisions are also applicable:  
Section 6255 –The public interest served by not disclosing the record clearly outweighs the public interest in disclosure because the express terms of the Western System Power Pool (WSPP) agreement require that the terms of any transaction and all information exchanged between purchaser and seller remain confidential. (See Par. 30 of WSPP). The public interest of the LADWP in honoring its contract commitment to keep information confidential clearly outweighs the public interest in disclosure. Failure of the LADWP to comply with its contract commitments

would not only expose the LADWP to a potential breach action but could also result in a refusal on the part of counterparties to conduct business with the LADWP.

Section 6254(k) – These records are also exempted or prohibited from disclosure pursuant to state law, specifically, Evidence Code Section 1040 as “official information.” The information was acquired in confidence from LADWP’s counterparties under the express terms of Par. 30 of the WSPP agreement and such information has not been open or officially disclosed. The disclosure of the information is against the public interest because the express terms of the WSPP agreement require that the terms of any transaction and all information exchanged between purchaser and seller remain confidential (see Par. 30 of the WSPP agreement).

***3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please 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.***

The contracts included in this request allow for the delivery of renewable energy and its attributes (and non-renewable energy). Disclosure of the counterparty and unit identification information without a request for confidentiality may place LADWP in violation of the terms and conditions of its agreements.

***4. State whether the information or data can 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 aggregated or masked, explain why.***

The information may be disclosed if it is aggregated with other information to a degree that it conceals the identified confidential information in the contracts.

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

The contracts contain confidentiality provisions which the counterparty has asked to be honored. The contracts are available to employees of the City of Los Angeles Department of Water and Power and the counterparties.

Ms. Melissa Jones

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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. I also certify that I am authorized to make the application and certification on behalf of the Los Angeles Department of Water and Power.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aram Benyamin for".

Aram Benyamin

Senior Assistant General Manager - Power System

OAA:sj

Enclosures