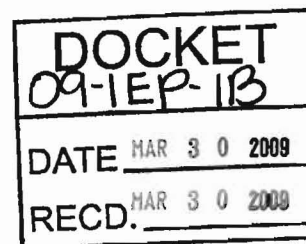


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



March 30, 2009



Ms. Carol A. Schmid-Frazee
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, CA 91770

RE: **Application for Confidentiality--Southern California Edison
Company
Electricity Resource Plan Forms
Docket No. 09-IEP-1B**

Dear Ms. Schmid-Frazee:

On March 2, 2009, Southern California Edison Company (SCE) submitted a revised Application for Confidentiality Designation (Application) in the above-captioned Docket. The application seeks confidentiality for certain information contained in SCE's Electricity Resource Plan filing provided to the California Energy Commission (Energy Commission) in connection with the *2009 Integrated Energy Policy Report*. SCE is seeking to protect from public disclosure specific categories of data and information about SCE's electricity supplies in 2007 through 2018. This data and information were provided on the following forms:

- Form S-1 Capacity Resource Accounting Table (CRATs)
- Form S-2 Energy Balance Resource Accounting Table
- Form S-5 Bilateral Contracts for each applicable contract or aggregation of contracts

In support of its request for confidentiality, the Application from SCE states, in part:

The data identified in this application requires confidential treatment because this information could allow a market participant to calculate SCE's forecasted energy supply needs for the peak of the year, or on an hourly basis. ... With such information, a supplier could charge SCE a higher price for power, or depress the price SCE could obtain for selling power when it had too much on hand. Either outcome would ultimately harm SCE's customers. ... The data for which SCE seeks confidential protection here are trade secrets because they derive value from not being known to the public. ... Public disclosure of this information will cause electricity prices to rise. (Application at pp.4 -5.)

SCE requests that the forecast data be kept confidential for a period of three years as indicated in Attachment 2 of the Application. SCE requests that historical and contractual data "be restricted from public disclosure based on either a window of confidentiality looking 3 years forward and one year back or for a 3-year period." (Application at p. 4.)

A properly filed application for confidentiality shall be granted under the California Code of Regulations, Title 20, Section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Energy Commission to keep the record confidential. "

With the exceptions noted below, SCE's revised confidentiality application makes a reasonable claim to grant confidentiality for specific categories of data and information provided on the S-1, S-2, and S-5 forms and listed on the revised Application. The information contained on these forms constitutes a trade secret; it would place SCE at a competitive disadvantage if disclosed, and this could lead to potentially higher costs to SCE ratepayers to the extent that it would create a risk of financial harm to ratepayers.

On Form S-1 Capacity Resource Accounting Table (CRATs), confidentiality is not granted for 2008-2011 peak-hour capacity data on lines 1a, 7, 8, 9, 10, 11, or 12a. Line 9 is the adjusted peak-hour demand for end use customers. On June 19, 2007, former Executive Director B. B. Blevins determined that this data on line 9 would not be confidential for the first three years of the forecast period or for subsequent years. For the same reasons stated previously, this data for years 2008-2011 on lines 10, 11, and 12a is not granted confidentiality. Confidentiality is granted to the data on lines 13 (Firm Sales Obligations) and line 14 (Firm LSE Peak-Hour Resource Requirement) for years 2009-2011.

On Form S-1, historical data on 2008 peak loads and resources is not granted confidentiality. This includes all lines listed in the preceding paragraph. It also includes data on lines 13, 14, 24, 25, 27, and 31. SCE has not established that public disclosure of historical data in past years has in fact caused electricity prices to rise, and this data does not reveal "residual net short" positions related to ongoing procurement and load-serving responsibilities.

On Form S-1 and Form S-2, SCE has requested confidentiality for capacity and annual energy data related to 98 non-renewable bilateral contracts for years 2009-2011. Confidentiality is granted to this data on both forms with the following exceptions. These exceptions cover periods of time that are prior to when deliveries begin, at least three years after deliveries begin, or are at least one year after deliveries terminate. Data for years 2010 and 2011 are not determined to be confidential for these nine bilateral contracts:

REL_Ellw_610_S

REL_ETW3_710_S
REL_ETW4_710_S
REL_Mand_710_S
WPC_AL3_610_S
WPC_AL4_610_S
Reliant Ellwood
Reliant Mandalay 3
Tag All Source 2008 Etiwanda 3

Confidentiality is not granted for year 2009 data for one bilateral contract: FPL Blythe.
Confidentiality is not granted for year 2011 data for one bilateral contract:
WPC_RB7_710_S.

The Energy Commission may use the information submitted by SCE in publicly available reports and presentations, but without disclosing confidential information to market participants. To prevent disclosure, confidential data that may be used in reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of SCE's load forecasts, resource portfolio, or individual supply contracts.

The categories of information contained on the S-1 and S-2 forms for which confidentiality was requested by SCE in the application of March 2, 2009, will be kept confidential until December 31, 2011.

The requested categories of information on bilateral contracts and power purchase agreements provided on individual S-5 forms will be kept confidential as follows:

BE CA LLC AL #1 through 12/31/2012
BE CA LLC AL #2 (1) through 4/1/2010
BE CA LLC AL #2 (2) through 1/31/2012
BE CA LLC AL #3 through 5/1/2009
BE CA LLC AL #4 through 5/1/2009
BE CA LLC AL #5 through 1/1/2014
BE CA LLC AL #6 through 1/1/2011
BE CA LLC HB #2 (1) through 1/1/2011
BE CA LLC HB #2 (2) through 9/30/2014
BE CA LLC RB #5 (1) through 5/1/2009
BE CA LLC RB #5 (2) through 12/31/2012
BE CA LLC RB #6 through 12/31/2012
BE CA LLC RB #7 through 4/1/2010
BE CA LLC RB #8 through 1/1/2012
Calpine Energy Services through 1/1/2012
CPV Ocotillo LLC (1-5) through 1/1/2013
CPV Ocotillo (6-8) through 1/1/2013

Dynegy Morro Bay #3 (1) through 1/1/2012
Dynegy Morro Bay #3 (2) through 1/1/2014
Dynegy Morro Bay #4 (1) through 1/1/2012
Dynegy Morro Bay #4 (2) through 1/1/2014
El Segundo EC through 1/1/2014
Blythe Energy LLC through 8/1/2013
NRG Long Beach ER (1) through 8/1/2010
Reliant Energy Mandalay through 1/1/2010
Reliant Energy Ellwood through 8/1/2009
Reliant Energy Etiwanda through 1/1/2010
San Joaquin Cogen Co. LLC through 12/31/2011
Walnut Creek Energy LLC through 1/1/2016
Wellhead Power Delano, LLC through 6/1/2015

Constellation EC Group through 12/31/2010
Direct Energy through 12/31/2010
Long Beach Generation LLC through 1/1/2011
San Diego Gas & Electric Co. (1) through 12/31/2010
San Diego Gas & Electric Co. (2) through 12/31/2010
San Diego Gas & Electric Co. (3) through 12/31/2010
Shell Energy North America (1) through 12/31/2010
Shell Energy North America (2) through 12/31/2010

Persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. Finally, an appeal of this decision must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Jones', with a large, stylized loop at the end.

MELISSA JONES
Executive Director

cc: Dockets
Mr. Manuel Alvarez
Southern California Edison Company
Regulatory Policy & Affairs