

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

April 21, 2009

DOCKET**09-IEP-1C**

DATE APR 21 2009

RECD. APR 23 2009

Mr. John Pacheco
San Diego Gas & Electric Company
101 Ash Street, HQ 12
San Diego, CA 92101

**RE: Application for Confidentiality, San Diego Gas & Electric Company
Electricity Retail Demand Forecast Forms
Docket No. 09-IEP-1C**

Dear Mr. Pacheco:

On March 30, 2009, the California Energy Commission received the San Diego Gas & Electric Company (SDG&E) application for confidentiality in the above-captioned Docket. The application seeks confidentiality for some of the information contained in the California Energy Commission's (Energy Commission) Electricity Retail Demand Forecast forms. SDG&E application states, in part:

SDG&E seeks confidential designation for data provided to the California Energy Commission (Commission) as part of the 2009 Integrated Energy Policy Report (IEPR). The information for which confidential designation is requested pertains to SDG&E's forecast of total energy sales and energy demand, coincident peak demand, peak demand under certain weather scenarios, hourly loads, rate forecasts, and energy sales to both bundled and direct access...

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."

SDG&E's confidentiality application does not make a reasonable claim to grant confidentiality for the following information identified in your application based on the trade secret exemption to the California Public Records Act. (Gov. Code, § 6254 (k).):

- Form 1.2 Distribution Area Net Electricity for Generation Load (GWh), Rows 29-31, Columns H and I
- Form 1.3: LSE Coincident Peak Demand (Bundled Customers)
- Form 1.4: Distribution Area Coincident Peak Demand (MW)
- Form 1.5: Peak Demand Weather Scenarios, Column C

- Form 2.3 Electricity Rate Forecast Rows 29, Columns C and D

Distribution Area Net Electricity for Generation Load identified in Electricity Retail Demand Forecast Forms 1.2 (Columns H and I), bundled customer annual peak electricity demand in Form 1.3 (Columns M-P) and Form 1.4 (Columns C-D) and information on Forms 1.5 (column C) and 2.3 (Columns C and D) do not constitute a trade secret, nor does the public interest in nondisclosure of such data outweigh the public interest in its disclosure. This conclusion is supported, in part, by the Energy Commission's Order Denying Southern California Edison Company's Appeal of Executive Director Decision Denying Confidentiality, dated April 13, 2005, and, in part, in the subsequent decision in Superior Court upholding that Order (case No. 05cs00860).

- Form 8.1(a) IOU Revenue Requirements by Major Cost Categories (except for Row 21)

The following list provides the specific basis for denying confidentiality for the data provided on Form 8.1(a), Row 46, Columns E-G and Rows 8, 10, 20, 23, 33, 36, 38, 40, 42, and 72, Columns E-P

- The request does not make a reasonable argument under the Energy Commission's regulations for classifying the information as confidential since it does not rise up to the level of a trade secret.
- The cost data that SDG&E provided for its purchase power contracts is in an aggregated form and does not reveal price details for individual supply contracts.
- The "total cost" for purchased power provided is in an aggregated form. It is the product of many prices, multiplied by different quantities of purchased energy from various sources. Neither the prices nor the quantities of purchased power, however, was requested or provided.
- The material SDG&E provided did not include summaries of the quantities of electricity generation that SDG&E expected to produce from its own generation resources or from purchased power. The provided data, therefore, does not reveal SDG&E's supply-demand balance or its future needs to purchase or generate power.

Because SDG&E did not provide the quantities of electricity (in MWh or GWh) by type of generation, SDG&E's competitors and suppliers cannot determine what price SDG&E is paying or is willing to pay for purchased power. Similarly, SDG&E did not report how much generation capacity (in MW or GW) it had purchased or planned to purchase, so no one would be able to discern the capacity price (that is, \$/kW) that SDG&E is paying or is willing to pay.

SDG&E's confidentiality application makes a reasonable claim to grant confidentiality for the following information identified in your application based on the trade secret exemption to the California Public Records Act. (Gov. Code, § 6254 (k).):

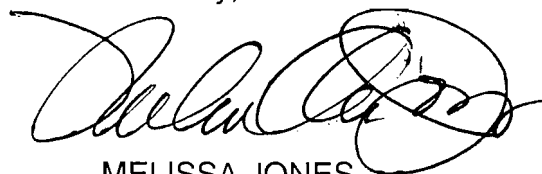
- Form 1.1b: Retail Sales of Electricity by Class or Sector—Bundled Customers (GWh) Rows 29-31, Columns C-J)
- Form 1.2: Distribution Area Net Electricity for Generation Load (GWh), Rows 29-31, Columns C and D
- Form 1.5: Peak Demand Weather Scenarios, Columns D-G
- Form 1.6a: Distribution Area Hourly Load for 2007 and 2008, all Rows for Columns C-F, and 2010, all Rows for Columns C-F, H.
- Form 2.3: Electricity Rate Forecast Rows 29, Columns E-H
- Form 8.1a: (IOU) Revenue Requirements by Major Cost Categories--Row 21

The above data was previously granted confidentiality in the 2007 IEPR proceeding (letter from BB Blevins dated 6/19/2007). The Energy Commission will disclose these data only after aggregating to the SDG&E transmission system area, including ESPs, POUs, and other entities served by the SDG&E transmission system. The information will remain confidential until December 31, 2011.

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 flourish at the end.

MELISSA JONES
Executive Director

cc: Docket Unit