

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
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June 18, 2009

09-IEP-1C

DOCKET

09-IEP-1B

DATE JUN 18 2009

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Ms. Veronica Hicks, Chief
State Water Project Power and Risk Office
California Department of Water Resources
P.O. Box 942836
Sacramento, California 95814

RE: Docket 09-IEP-1B Confidential Designations of Resource Plan Data and
09-IEP-1C Confidential Designations of Demand Forecast Data

Dear Ms. Hicks,

Thank you for your letter on May 15, 2009, that designates as confidential certain resource plan data and demand forecast data that was provided previously for these above-named dockets in connection with the *2009 Integrated Energy Policy Report*.

As a state agency, the California Department of Water Resources (CDWR) has designated this data confidential under appropriate authorities described in the Public Records Act (Government Code Section 6254(e)). This data and information relates to historical and forecast electricity loads and resources for the State Water Project (SWP), and was provided on the following forms:

- Form S-1 Annual and Monthly Capacity Resource Accounting Tables (CRATS)
- Form S-2 Annual and Monthly Energy Balance Tables
- Form S-5 Bilateral Contracts
- Form 1.3 Coincident Peak Demand Forecast
- Form 1.6a Recorded Hourly loads for 2007 and 2008

CDWR also provided narrative information on SWP's Resource Adequacy program, and has designated this information as confidential.

The Energy Commission appreciates the efforts by CDWR staff to answer technical questions related to its resource plan and demand forecast filings in accordance with the adopted forms and instructions. CDWR has also provided Energy Commission staff with additional data information on SWP forecast loads during CAISO system peak periods.

The three-page chart attached to your May 15, 2009, letter clearly describes categories and blocks of data as they appear on forms provided by CDWR on February 13, 2009.

Ms. Veronica Hicks

June 18, 2009

Page 2

The Energy Commission will keep these records confidential, with a few exceptions noted below related to long-term bilateral electricity supply contracts. CDWR provided six S-5 supply forms. For all six contracts, the name of the Supplier/Seller and the contract expiration date have already been publicly disclosed on various websites.

For the Kings River, NV Energy, MWD, and LADWP supply contracts, the information on Start Date, Capacity, Fuel Type, Generating Unit Specified, Capacity of the Unit(s), and Unit Contingent/LD Contract, is available on publicly accessible websites. For these same four contracts, these general geographic attributes are public knowledge: Delivery Point(s) and Locational Attributes of Unit(s).

For the contracts with NV Energy and LADWP, the more specific Delivery Point(s) and Locational Attributes of Reid Gardner #4 and Castaic Powerplant are public knowledge. For the contracts with NV Energy and MWD the Termination & Extension Rights as stated on the S-5 form are public. For the contract with LADWP, the Contract/Agreement Products(s), Availability of Unit-Contingent Castaic, and the Contract/Agreement Type are all public. All other categories of information designated by CDWR as confidential on the S-5 Bilateral Contract forms will be kept confidential.

While the categories and time series of confidential information are clear, the length of time for which this information will be confidential, if any, is not yet clear to us. According to other recent confidentiality grants, specified information on S-5 Bilateral Contract forms will be kept confidential by the Energy Commission until December 31, 2011, or until the contract expiration date, whichever is later. Confidential forecast data on loads and resources is typically granted confidentiality for almost three years, such as until December 31, 2011. Historical hourly load data and narratives about resource procurement strategies are sometimes kept confidential indefinitely. Please let us know if CDWR has defined a limited duration for which some of this information should be kept confidential.

The Energy Commission may use the information submitted by CDWR 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 LSE entities, especially with other publicly-owned LSEs, in order to conceal the confidential specifics of CDWR's load forecasts, resource portfolio, or individual supply contracts.

Finally, I wish to restate our appreciation to CDWR staff for sharing information and insights on its loads, resources, and resource adequacy obligations. As a "sister agency" we are committed to similar and complementary public service purposes, and I trust any differences in perspectives on particular technical matters can be addressed and resolved informally. If you have any questions concerning this matter, please contact Jim Woodward, Electric Generation

Ms. Veronica Hicks

June 18, 2009

Page 3

System Specialist 1, at (916) 654-5180, or Kerry Willis, Senior Staff Counsel, at (916) 654-3967, or Tom Gorin, Energy Commission Specialist III, at (916) 654-4759.

Sincerely,

SYLVIA L. BENDER

Deputy Director

Electricity Supply Analysis Division

JW:sdf

cc: Kerry Willis, Legal Office

Tom Gorin, Demand Analysis Office

Jim Woodward, Electricity Analysis Office