

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

August 17, 2009

Mr. Walker Matthews  
Southern California Edison Company  
2244 Walnut Grove Avenue  
Rosemead, CA 91770

<b>DOCKET</b>	
<b>'09-IEP-1L</b>	
<b>DATE</b>	<u>8/17/2009</u>
<b>RECD.</b>	<u>8/17/2009</u>

**RE: Application for Confidentiality--Southern California Edison  
Company  
Nuclear Data Requests in the 2009 Integrated Energy Policy  
Report  
Docket No. 09-IEP-1L**

Dear Mr. Matthews:

On July 27, 2009, and July 29, 2009, the California Energy Commission (Energy Commission) received Southern California Edison Company's (SCE) applications for confidentiality in the above-captioned Docket. The applications seek confidentiality for some of the information contained in the Nuclear Power plant Data forms. SCE's application of July 27, 2009 states, in part:

SCE requests that the responses to the following questions from the Nuclear Power Plant Data Request be designated as confidential and exempt from Public disclosure:

- Section G--Steam Generator and Reactor Vessel Head Replacements—SCE requires confidential treatment of the information provided in response to Question Nos. G.1 (SONGS) and G.6 (Palo Verde), which seek information concerning forecasted outage dates at SONGS due to the steam generator replacement project and at Palo Verde due to the reactor vessel head replacement project...

This information should be protected as a trade secret under the Public Records Act. Information concerning forecast outages at SONGS and Palo Verde are valuable to SCE because they are not known to the public, cannot be easily acquired or duplicated, and SCE makes reasonable efforts to maintain its secrecy. Public disclosure of this trade secret information will ultimately put SCE at a competitive disadvantage when SCE procures or sells energy, and allow market participants to extract higher prices for power during outages.

SCE's application of July 29, 2009 states, in part:

SCE requests that the responses to the following questions from the Nuclear Power Plant Data Request be designated as confidential and exempt from public disclosure:

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- Section I—Plant Performance—SCE requires confidential treatment of the information provided in response to Questions No. I.4 (SONGS) and I.4 (Palo Verde), which seek information concerning forecasted outage dates at SONGS and Palo Verde greater than 15 days...[and] should be protected as a “trade secret” under Government Code §6254(k) and Evidence Code §1060.

[F]orecast outage information for SONGS and Palo Verde....contains information that could allow market participants to calculate SCE’s forecasted supply needs, either on an annual peak basis or on an hourly basis...With such advanced knowledge regarding planned outages at SONGS and Palo Verde, a supplier could charge SCE a higher price for power during those outages, which would ultimately harm SCE, its customers and the competitive market.

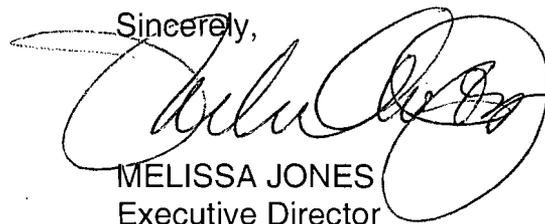
A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), “if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential.”

SCE’s confidentiality application makes a reasonable claim to grant confidentiality for the information identified in your applications for Question Nos. G.1 (SONGS), G.6 (Palo Verde), I.4 (SONGS) and I.4 (Palo Verde) based on the trade secret exemption to the California Public Records Act. (Gov. Code, § 6254 (k).)

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,



MELISSA JONES  
Executive Director

cc: Docket Unit  
Mr. Manuel Alvarez  
Manager, Regulatory Policy & Affairs  
Southern California Edison Company