

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET****11-IEP-1C**DATE May 23 2011RECD. May 25 2011

May 23, 2011

Mr. Paul Szymanski
San Diego Gas & Electric Company
101 Ash Street, HQ 12
San Diego, CA 92101-3017

RE: **Application for Confidentiality—San Diego Gas and Electric Company
Electricity Retail Demand Forecast Forms
Docket No. 11-IEP-1C**

Dear Mr. Szymanski:

On May 4, 2011, the California Energy Commission (Energy Commission) received San Diego Gas & Electric Company's (SDG&E) application for confidentiality in the above-captioned Docket. The application seeks confidentiality for some of the information contained in the Energy Commission's Electricity Retail Demand Forecast forms. SDG&E's application states, in part:

SDG&E requests that certain data cells in the demand forecast data in Forms 1.1(b), 1.2, 1.3, 1.4, 1.5, 1.6(a) and 2.2 be designated as confidential.

SDG&E requests that confidential designation of this information be maintained for three years. SDG&E believes that this is the length of time that is required to ensure that recent near-term forecasts do not reveal SDG&E's ongoing and future procurement and competitive positions and strategies, thereby compromising SDG&E's ability to secure the most favorable deals for customers and protect its business strategies and proprietary business planning information from disclosure to competitors.

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 based on the trade secret exemption to the California Public Records Act. (Gov. Code, § 6254 (k).)

Specifically for Form 1.1(b), the Migrating Load category for the forecast years 2011-2013.

Specifically for Form 1.3, LSE coincident peak demand by sector for the forecast years 2011-2013.

Specifically for Form 1.4, distribution area peak demand for the forecast years 2011-2013.

Bundled customer annual peak electricity demand in Form 1.3 and Form 1.4 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).

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).)

Specifically for Form 1.1(b), retail sales to bundled customers for the forecast years 2011-2013.

Specifically for Form 1.2, the following categories for the forecast years 2011-2013:

- Sales to bundled customers
- Direct Access

Specifically for Form 1.6(a), the following categories for all hours for the years 2009, 2010 and 2011:

- Bundled load
- Bundled losses
- Unbundled load
- Unbundled losses
- Total system load (for forecast year 2011 only)

Specifically for Form 2.2, the electricity rate forecast for all sectors for years 2011 to 2022.

The Energy Commission will disclose these data only after aggregating to the SDG&E transmission system area, including Energy Service Providers, Publicly Owned Utilities, and other entities served by the SDG&E transmission system. The information will remain confidential through December 31, 2013.

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

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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