

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

May 27, 2011

<b>DOCKET</b> 11-IEP-1B
DATE <u>5-27-11</u>
RECD. <u>5-27-11</u>

Mr. Christopher J. Warner  
Chief Counsel  
Law Department  
Pacific Gas and Electric Company  
San Francisco, CA 94120-75442

**RE: Application for Confidentiality—Pacific Gas and Electric  
Company  
IEPR Electricity Resource Plan Submission  
Docket No. 11-IEP-1B**

Dear Mr. Warner:

On April 29, 2011, the California Energy Commission (Energy Commission) received Pacific Gas and Electric Company's (PG&E) application for confidentiality in the above-captioned Docket. This application, dated April 28, 2011, and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2011 Integrated Energy Policy Report*.

PG&E seeks to protect from public disclosure certain data and information on the following electricity supply forms or tables:

- Form S-1 Capacity Resource Accounting Table
- Form S-2 Energy Balance Accounting Table
- Form S-4 Wind Resource Nameplate Capacity
- Form S-5 Bilateral Contracts and Power Purchase Agreements

In support of its request for confidentiality, PG&E's Application states, in part:

The CEC granted confidentiality to the below data categories in the 2007 and 2009 IEPR forms on April 24, 2009, March 12, 2007 and May 9, 2007. PG&E's request for confidentiality in these 2011 IEPR forms is consistent with those decisions for similar data. The types of data contained in these categories are unchanged or substantially similar to the categories in the 2009 and 2007 IEPR forms. (Application at p. 2)

These forms contain detailed disaggregated forecast information, as well as commercially and competitively sensitive expected capacity information, that relatively easily allows a party to calculate PG&E's current energy supply and capacity needs on a

disaggregated basis, as well as disclose financially and commercially sensitive information on individual projects. By thus calculating PG&E's "residual net short" position, potential suppliers achieve a competitive advantage that potentially harms PG&E's customers who may end up paying higher power prices.  
(Application at p. 6)

PG&E has clearly identified on these forms (Excel worksheets) specific categories and specific time periods of data for which it is seeking confidentiality. These designations match what is requested in PG&E's Application. Except for the Form S-4 on nameplate capacity of wind resources, which is new this year, the designations correspond to a previous confidentiality application dated March 26, 2009 and included in the related grant of confidentiality dated April 24, 2009.

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."

PG&E's confidentiality application makes a reasonable claim to grant confidentiality for the above-described electricity supply forms and tables. All the data and information listed in PG&E's Application as information to be held confidential could place PG&E at a competitive disadvantage if disclosed, and are granted confidentiality based on trade secret.

PG&E has requested that "information designated as confidential be kept confidential for a period of three years from submission, i.e., until April 1, 2014 or, for Form S-5, until the contract expiration date, whichever is later." Consistent with previous grants of confidentiality, the identified confidential information contained on PG&E's S-1, S-2, and S-4 supply resource forms will be kept confidential until December 31, 2013. Consistent with previous grants of confidentiality, identified information on S-5 forms will be kept confidential until December 31, 2013, or to the contract expiration date, whichever is later.

To prevent disclosure, confidential data that may be used in publicly available reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of PG&E's load forecasts, resource portfolio, or individual supply contracts.

PG&E has requested, in a footnote, "that the confidentiality of this information be maintained by restricting access to hard copies and controlled electronic only and solely to the IEPR proceeding." This specific methodological request is not granted. The biennial requests for 10-year resource plans from larger utilities is supported by Title 20 regulations, Section 1347, which does not limit the use of this information solely to a particular IEPR proceeding. Until resource plans are again submitted in 2013, we

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expect, based on historical experience, that supply resource information and data submitted in 2011 will be used and referred to in many technical assessments of current conditions and forecast trends related to issues such as supply adequacy, renewable energy procurement, local reliability, and promoting additional distributed generation.

The Energy Commission appreciates the efforts by PG&E staff to answer technical questions related to its resource plan filing.

Persons may petition to inspect or copy 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. Be advised that 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 circular flourish at the end.

MELISSA JONES  
Executive Director

cc: Docket Unit