

COMPLETED

Department of Water and Power



the City of Los Angeles

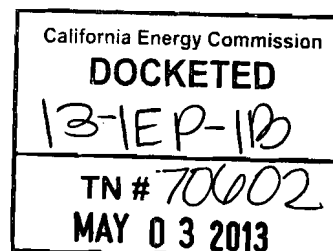
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April 26, 2013

Mr. Robert P. Oglesby, Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, California 95814-5504



Dear Mr. Oglesby:

Subject: Application for Confidentiality Designation of Certain Data Included in the Electricity Resource Plans (Docket 13-IEP-1B) Submittal to the California Energy Commission (CEC) for the 2013 Integrated Energy Policy Report (IEPR)

The Los Angeles Department of Water and Power (LADWP) is requesting confidentiality designations for certain data as described below, consistent with Title 20 of the California Code of Regulations, § 2505 et. Seq. Reasons for this request are provided, and data has been highlighted in yellow on the enclosed S-5 form.

Applicant Name, Address, and Contact Information

Randy S. Howard
Director, Power System Planning and Development Division
Los Angeles Department of Water and Power
111 N. Hope Street, Room 921
Los Angeles, CA 90012
Office: (213) 367 - 0381
Email: Randy.Howard@ladwp.com

1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designations. Information or data seeking a designation of confidentiality must be included with this application.

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Electricity Resource Planning Form S-5, as submitted to the CEC on 04/26/13.
We have identified 9 contracts with confidential information.

Contract Name	Confidentiality items	Expiration date
Linden	Firming or Shaping; Transmission Contingent & Path	During the life of the plant
Milford I	Transmission Contingent & Path	Dec-29
Milford II	Transmission Contingent & Path	Apr-31
PPM Pebble Springs	Firming or Shaping; Transmission Contingent & Path	Dec-26
PPM Wyoming	Transmission Contingent & Path	Jun-22
Willow Creek	Firming or Shaping; Transmission Contingent & Path	Dec-23
Windy Point II	Firming or Shaping; Transmission Contingent & Path	Jan-30
Confidential contract B	Contract Name; Supplier / Seller; Fuel Type; Notes	Dec-15
Confidential contract C	Contract Name; Fuel Type	Sept. 2013
LADWP requesting confidentiality for all cells shown with yellow fill on S-5 Form.		

1(b). Specify the part(s) of the information or data for which you request confidential designation.

All information highlighted in yellow as indicated in the table above.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

Yellow highlighted data shall be kept confidential through the expiration date of each specific contract as indicated on each form and shown in the table above.

3(a). State the provision(s) of the public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision apply to that material.

California Code of Regulations, Title 20, Section 2502(b) Other Public Entities. When another state or local agency possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.

For the 9 supply contracts, the third-parties have identified confidential information pursuant to Gov. Code sections 6255, 6254(k), 6254.15, and Evidence Code sections 1060 and 1061. If there is any geological or geophysical data that could be identified, then that data would be maintained confidential pursuant to Gov. Code Section 6254 (e). If there is any personnel data, such as identifying electricity traders, then that information would be protected under Gov. Code section 6254(c). If there is any vulnerability to terrorist attack or other criminal acts by disclosing any electricity operations contained in the contracts, then that information would be confidential under 6254 (aa). Additionally, since the information is being provided to the CEC, another governmental entity, LADWP anticipates that the information identified as confidential will not be disclosed pursuant to Gov. Code Section 6254.5(e). In addition, only CEC staff members authorized by the CEC person in charge of the CEC to receive confidential information shall be permitted to obtain the information. Further, any information obtained by the CEC shall only be used for purposes which are consistent with existing law. If the CEC plans to disclose the information then the CEC will notify LADWP well in advance of the disclosure, based on any CPRA request or otherwise, for the information.

Furthermore, the following Gov. Code provisions are also applicable:
Section 6255 – The public interest served by not disclosing the record clearly outweighs the public interest in disclosure because the express terms of the Western System Power Pool (WSPP) agreement require that the terms of any transaction and all information exchanged between purchaser and seller remain confidential. (See Par. 30 of WSPP). The public interest of the LADWP in honoring its contract commitment to keep information confidential clearly outweighs the public interest in disclosure. Failure of the LADWP to comply with its contract commitments would not only expose the LADWP to a potential breach action but could also result in a refusal on the part of the counterparties to conduct business with the LADWP.

Section 6254(k) – These records are also exempted or prohibited from disclosure pursuant to state law, specifically, Evidence Code Section 1040 as “official information.” The information was acquired in confidence from LADWP’s counterparties under the express terms of Par. 30 of the WSPP agreement and such information is against the public interest because the express terms of the WSPP agreement require that the terms of any transaction and all information exchanged between purchaser and seller remain confidential (see Par. 30 of the WSPP Agreement).

3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please

state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The contracts included in this request allow for the deliver of renewable energy and its attributes (and non-renewable energy). Disclosure of the counterparty and unit identification information without a request for confidentiality may place LADWP in violation of the terms and conditions of its agreements.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

The information may be disclosed if it is aggregated with other information to a degree that it conceals the identified confidential information in the contracts.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant.

The contracts contain confidentiality provisions which the counterparty has asked to be honored. The contracts are available to employees involved with the contract of the City of Los Angeles Department of Water and Power and the counterparties.

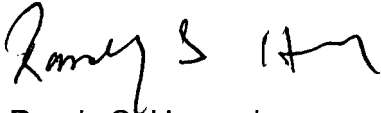
Mr. Robert P. Oglesby

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I certify under penalty or perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make the application and certification on behalf of the LADWP.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy S. Howard", with a stylized flourish at the end.

Randy S. Howard

Director, Power System Planning and Development Division

SF:nsh

c: Mr. Oscar A. Alvarez
Ms. Shirin Friedlander