

**CALIFORNIA ENERGY COMMISSION**

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SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



June 4, 2013

California Energy Commission

**DOCKETED****13-IEP-1B**

TN 71157

JUN 06 2013

Ms. Rebecca Meiers De-Pastino  
Senior Attorney  
Southern California Edison Company  
2244 Walnut Grove Ave.  
Rosemead, CA 91770

RE: SCE's Application for Confidentiality for the 2013 Integrated Energy Policy Report  
Electricity Resource Plan Submission  
Docket No. 13-IEP-1B

Dear Ms. Meiers-De Pastino:

On May 6, 2013, the California Energy Commission (Energy Commission) received an application for confidentiality from Southern California Edison Company (SCE) dated May 3, 2013. This application and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2013 Integrated Energy Policy Report*.

SCE requests specific items of information be held confidential. Form S-1, the Capacity Resource Accounting Table, contains information about actual and forecasted peak-hour load serving obligations and capacity purchases for the years 2011-2022. For years 2012 through 2015, SCE is requesting confidentiality for data on the following data:

- Forecast Total Peak Hour 1-in-2 Demand,
- Adjusted Peak-Hour Demand,
- Coincident Peak Hour Demand,
- Required Planning Reserve Margin,
- Firm Sales Obligation,
- CAM Allocation to non-SCE LSEs, and
- Firm LSE Peak-Hour Resource Requirement (and repeated on line 23).

On April 28, 2011, SCE requested confidentiality for the above-described categories for the first three years (2011-2013) of its 10-year forecast. This request was granted by the Executive Director on May 27, 2011. On these same dates in 2011, SCE requested but did not receive confidentiality for these same above-described categories for the recent historical year (2010).

Also on Form S-1, for years 2013 through 2022, SCE this year is requesting confidentiality for the following forecast data:

- Total Fossil Fuel Dependable Capacity,
- Capacity from individual fossil fuel resources owned or controlled by the utility: Mountainview 3 and 4, and natural gas-fired combustion turbines Barre, Center, Grape, Mira Loma, and McGrath Beach (but not Four Corners),
- Total Dependable Nuclear Capacity,
- SCE's capacity shares of individual nuclear generating units at Palo Verde and SONGS,
- Total dependable capacity from hydroelectric plants owned or controlled by the utility,
- Total dependable capacity from the utility's hydroelectric plants larger than 30 megawatts nameplate,
- Total Qualifying Facility (QF) Capacity,
- Total capacity from Natural Gas QF resources, and
- Dependable capacity expected from 57 individual non-renewable generating units under contract to SCE. (SCE is not requesting confidentiality for seven other bilateral contracts, or for the total capacity in this category.)

In 2011, SCE requested and received confidentiality for the above-described categories for all ten years in its forecast.

Also on Form S-1, for near-term forecast years 2013-2015, SCE this year is requesting confidentiality for the following forecast data:

- Total Existing and Planned Capacity, and
- Capacity Surplus (or Capacity Need)

In 2011, SCE requested and received confidentiality for the above-described categories for the first three years in its forecast.

Form S-2, the Energy Balance Accounting Table, contains information about actual and forecasted firm energy requirements on an annual basis, and energy purchases for the years 2011-2022. For near-term years 2013 through 2015, SCE this year is requesting confidentiality for the following forecast data:

- Forecast Total Energy Demand,
- Adjusted Energy Demand,

- Firm Sales Obligations, and
- Firm LSE Energy Requirement (and repeated on line 18).

In 2011, SCE requested and received confidentiality for the above-described categories for the first three years in its forecast.

Also on Form S-2, for years 2013 through 2022, SCE this year is requesting confidentiality for the following forecast data:

- Total Fossil Energy Supply
- Energy from individual fossil fuel resources owned or controlled by the utility: Mountainview 3 and 4, and natural gas-fired combustion turbines Barre, Center, Grape, Mira Loma, and McGrath Beach (but not Four Corners),
- Total Nuclear Energy Supply,
- Energy from SCE's shares of individual nuclear generating units at Palo Verde and SONGS,
- Total Hydroelectric Generation at utility owned or controlled plants,
- Total Hydroelectric Generation at utility owned or controlled plants larger than 30 megawatts nameplate,
- Total Energy Supply from QF Contracts,
- Total Energy Supply from Natural Gas QF resources, and
- Energy from 38 individual non-renewable supply resources under contract to SCE. This includes 19 Financial Heat Rate Call Options, 1 listing of Inter-Utility Contracts, and several specific natural gas-fired resources: Pastoria, Ormond Beach, Alamitos, Huntington Beach, Goleta Ellwood, Fresno Peaker, Mandalay Bay, Panoche, FPL Blythe, NRG ESPII, CPV Sentinel, Walnut Creek, and Wellhead Delano. (SCE is not requesting confidentiality for the total energy supply in this category.)

In 2011, SCE requested and received confidentiality for the above-described categories for all ten years in its forecast.

Also on Form S-2, for near-term years 2013 through 2015, SCE this year is requesting confidentiality for the following forecast data:

- Total Energy from Existing and Planned Resources, and
- Energy Surplus (or Energy Need)

In 2011, SCE requested and received confidentiality for the above-described categories for the first three years in its forecast.

Electricity Planning Form S-5, formatted as Table S-5, lists Bilateral Contracts and Power Purchase Agreements, with 26 categories or attributes of information on approximately 381 contractual supply resources. For approximately 119 non-renewable bilateral contracts, SCE is requesting that information in 14 categories be kept confidential:

- Availability of Products,
- Must Take,
- Generating Units Specified,
- Capacity of the Units,
- Availability of the Units,
- Unit Contingent / LD Contract,
- Firm,
- Firming or Shaping,
- Contract / Agreement Type,
- Transmission Contingent & Path,
- Termination & Extension Rights,
- Performance Requirements, and
- Notes (1) and
- Notes (2)

These designations correspond to previous applications by SCE dated February 13, 2007, March 26, 2009, and April 29, 2011. The designations on the above-named forms also correspond to previous grants of confidentiality by the Executive Director dated March 12, 2007, May 9, 2007, and April 24, 2009, and May 27, 2011.

SCE requests that this information be designated confidential because:

The Energy Commission previously denied confidential treatment of some of the information for which SCE requests confidential treatment. Specifically, SCE seeks confidential treatment of data relating to bundled peak load for the year 2012. SCE respectfully requests that the Energy commission reconsider its decision denying SCE the confidential treatment sought for that data because it is confidential proprietary sensitive information that can reveal the timing in which the quantity of the energy SCE has to sell or purchase for its customers. SCE purchases and sells large quantities of electrical energy on behalf of its customers. The market place for such purchases is highly competitive. Accordingly, information about the timing and quantity of energy SCE has to sell or needs to purchase to serve its customers is

extremely valuable and, if revealed, could place SCE at a competitive disadvantage when purchasing or selling energy.

In support of this application to designate this information confidential, SCE attests:

The data for which SCE seeks confidential protection here are trade secrets because they derive value from not being known to the public. In fact, public disclosure of this information would cause electricity prices to materially increase, which would harm customers. Accordingly, SCE makes reasonable efforts to maintain its secrecy.

SCE asserts that the length of time for which SCE is seeking confidentiality is consistent with decisions at the California Public Utilities Commission.

For the reasons discussed in more detail below, SCE requests that the specified information above be restricted from public disclosure based on either a window of confidentiality looking three years forward, one year back, or the entire forecast for a three year period. As data becomes one year old, the 1-year window for historical data becomes applicable. Thus in a 2013 forecast of confidential information for 2013, 2014, and 2015, the data for 2013 should be released in 2014 when it is one year old, the data for 2014 should be released in 2015, and so on.

For its bilateral contracts, SCE has requested confidential information on Table S-5 be kept confidential for a period of three years from the starting date of deliveries or until one year following expiration, whichever comes first. On Table S-5, in the last column on Notes (2), SCE has helpfully provided calendar dates consistent with its request when confidential information about specific contractual supply resources could be publicly disclosed.

SCE states that information in "Electricity Resource Planning Forms S-1, S-2 and S-5, which SCE has identified as confidential data, cannot be aggregated or masked to allow for its public disclosure."

A properly filed application for confidentiality shall be granted under California Code of Regulations, Title 20, Section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the California 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 data identified above. The annual peak demand calculations including SCE's bundled peak load forecast data for 2012, annual capacity purchases, annual energy demand, and annual energy procurement as described above are granted

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confidentiality based on trade secret. This information and data could place SCE at a competitive disadvantage if disclosed.

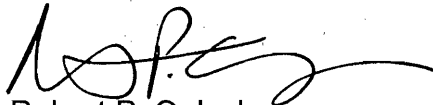
The Energy Commission disagrees with the contention that confidential data cannot be aggregated or masked by any means that would allow analytical use of the data while protecting this confidential data from public disclosure. To prevent disclosure that would cause harm, confidential data that may be used in publicly available reports and presentations will be aggregated with resource plan information from other load serving entities in order to protect the confidential specifics of SCE's load forecasts, resource portfolio, or individual non-renewable supply contracts.

**The identified confidential information contained on Form S-1 and Form S-2 will be kept confidential for a three-year period until May 3, 2016.** With one exception, the identified confidential information about individual contracts contained on Table S-5 will be kept confidential to the end of the calendar year that is at least three years after the starting date, or one year after the expiration date, whichever comes first. That exception is the column of Notes (2) on Table S-5, which helpfully states the dates when confidential information could be disclosed. Since none of the Start Dates or Expiration Dates of these contractual resources have been designated as confidential information, the ability to derive such dates from the information in the Notes (2) is inconsequential.

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 California Code of Regulations, Title 20, Section 2506. Be advised that 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 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,



Robert P. Oglesby  
Executive Director

cc: Docket Unit  
Sylvia Bender