

CALIFORNIA ENERGY COMMISSION

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June 10, 2013

California Energy Commission

DOCKETED

13-IEP-1B

TN 71212

JUN 10 2013

Mr. Robert B. Anderson
Director of Resource Planning
San Diego Gas & Electric Company
8330 Century Park Court
San Diego, CA 92123

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

Dear Mr. Anderson:

On May 22, 2013, the California Energy Commission (Energy Commission) received an application for confidentiality from San Diego Gas & Electric Company (SDG&E) dated May 20, 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*.

SDG&E requests specific items of information to 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 2013 through 2022, SDG&E is requesting confidentiality for data on the following data:

- Forecast Total Peak Hour 1-in-2 Demand,
- Adjusted Peak-Hour Demand: End-Use Customers,
- Conicidence Adjustment,
- Coincident Peak Hour Demand,
- Required Planning Reserve Margin,
- Firm LSE Peak-Hour Resource Requirement (and repeated on line 23),
- (Capacity Need) or Capacity Surplus, and
- Generic Non-Renewable Resources.

On May 12, 2011, SDG&E requested confidentiality for the above-described categories for all years (2011-2013) of its 10-year forecast. This request was granted by the Executive Director on June 3, 2011 and will be held confidential through December 31, 2013.

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, SDG&E this year is requesting confidentiality for the following forecast data:

- Forecast Total Energy Demand,
- Adjusted Energy Demand,
- Firm LSE Energy Requirement (and repeated on line 17),
- Energy Surplus or (Energy Need), and
- Generic Non-Renewable Energy.

In 2011, SDG&E 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, SDG&E 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 (Cuyamaca, El Dorado, Miramar, and Palomar),
- Total Nuclear Energy Supply,
- Energy from SDG&E's shares of individual nuclear generating units at SONGS,
- Total Energy Supply from Other (non-renewable) Bilateral Contracts, and
- Energy from 10 individual non-renewable supply resources under contract to SDG&E including Encina, Orange Grove, Otay Mesa, Wellhead El Cajon, Wellhead Escondido, Cal Peak Border, Cal Peak Enterprise, Boardman, Morgan Stanley, and the aggregate of non-renewable DG supply.

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

Also on Form S-2, for the year 2013 only, SDG&E is requesting confidentiality for the following data on forecast energy supplies from DWR contracts:

- Total Energy from DWR Contracts, and
- Energy from two DWR contracts (Cabazon and Whitewater Hill).

In 2011, SDG&E 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 49 contractual supply resources. For approximately 24 non-renewable bilateral contracts, SDG&E is requesting that information in 14 categories be kept confidential:

- Scheduling Coordinator,
- 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).

These designations correspond to previous applications by SDG&E dated February 9, 2007, February 13, 2009, and May 14, 2011. The designations on the above-named forms also correspond to previous grants of confidentiality by the Executive Director dated March 12, 2007, March 19, 2009, and June 3, 2011.

SDG&E asserts that this information be designated confidential because:

These forms provide competitively and commercially sensitive business and resource planning information and trade secrets....

It is important as a matter of public policy that this Commission not publicly disclose information that the CPUC has deemed to be confidential for the sake of protecting ratepayers from potentially higher costs.

Finally, the Commission has already articulated a similar standard of ratepayer protection when it discussed the definition of "trade secret" in the 2005 IEPR proceeding. *[footnote deleted]* The Commission determined there that, in order to qualify as a trade secret, it must be demonstrated that there will be harm to the utility's ratepayers if the information for which confidential designation is sought is publicly released. *[footnote deleted]*...

In support of this application to designate this information confidential, SDG&E attests:

Public knowledge of SDG&E's bundled customer position can impact the prices that SDG&E would have to pay, or can sell excess for, and thus cause financial harm to SDG&E ratepayers....

Public knowledge of SDG&E's bundled customer's non-renewable energy positions could negatively impact the prices that SDG&E would have to pay, or can sell excess for, and thus cause financial harm to SDG&E's ratepayers....

Disclosure of certain information regarding bilateral contracts that started operating less than 3 years prior to the date of this filing ... would allow market participants access to the specific terms of SDG&E's power supply contracts. Market participants could then make unfair use of such knowledge to their advantage in the otherwise competitive marketplace, to the financial detriment of SDG&E ratepayers.

The application for confidentiality includes this certification:

SDG&E has not, to the best of its knowledge, previously publicly released this information in precisely this format or projected over this duration of time.

SDG&E requests that the above-described forecast data be kept confidential for a period of three years, or through December 31, 2015.

For its bilateral contracts, SDG&E 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, SDG&E has helpfully provided calendar dates consistent with its request when confidential information about specific contractual supply resources could be publicly disclosed. These calendar dates are not confidential since none of the Start Dates or Expiration Dates of these contractual resources have been designated as confidential information.

SDG&E states its "submittal includes a great deal of aggregated data that the Commission can release immediately." SDG&E also stated it may be possible to use confidential data if it is further aggregated, e.g., on a statewide basis, in a manner that would not publicly reveal the confidential data.

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."

SDG&E's confidentiality application makes a reasonable claim to grant confidentiality for data identified above. The annual peak demand calculations, annual capacity purchases, annual energy demand, and annual energy procurement as described above are granted confidentiality based on trade secret. This information and data could place SDG&E at a competitive disadvantage if disclosed.

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 SDG&E'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 20, 2016. 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.

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 14 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.

Ms. Robert B. Anderson
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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 'R. P. Oglesby', with a long horizontal line extending to the right.

Robert P. Oglesby
Executive Director

cc: Tamara Rasberry, Government Affairs Manager
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Sacramento, CA 95814
Trasberry@semprautilities.com

Docket Unit
Sylvia Bender