



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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12-22-09
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Application of Southern California Edison)
Company (U 338-E) for a Commission Finding)
that its Procurement-Related and Other)
Operations for the Record Period January 1)
Through December 31, 2008 Complied with its)
Adopted Procurement Plan; for Verification of its)
Entries in the Energy Resource Recovery)
Account and Other Regulatory Accounts; and for)
Recovery of \$35.796 Million Recorded in Four)
Memorandum Accounts.)

Application No. 09-04-002

(Filed April 1, 2009)

**MOTION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO SEAL A
PORTION OF THE EVIDENTIARY RECORD**

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Dated: **December 22, 2009**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

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**MOTION OF SOUTHERN CALIFORNIA EDISON COMPANY (U-338E) TO SEAL A
PORTION OF THE EVIDENTIARY RECORD**

I.

INTRODUCTION

Pursuant to Rule 11.5 of the Commission’s Rules of Practice and Procedure, Southern California Edison Company (SCE) respectfully files this Motion to Seal a Portion of the Evidentiary Record.

By this motion, SCE moves the Commission for an order granting confidential treatment to certain information identified by gray shading in the confidential versions of the following exhibits, which were admitted into evidence at the October 29, 2009 hearing in this proceeding: Exhibit 1, titled “Energy Resource Recovery Account (ERRA) Reasonableness of Operations, 2008 Chapters I-VIII” and attached appendices, Exhibit 2, titled “Energy Resource Recovery Account (ERRA) Reasonableness of Operations, 2008 Chapters IX-XIV” and attached appendices, Exhibit 5, titled “Energy Resource Recovery Account (ERRA) Reasonableness of

Operations, 2008 SCE Rebuttal Testimony (Appendices A-D)”, Exhibit 6, titled “Energy Resource Recovery Account (ERRA) Reasonableness of Operations, 2008 SCE Rebuttal Testimony (Appendix E)”, and Exhibit 7, titled “Energy Resource Recovery Account (ERRA) Reasonableness of Operations, 2008 SCE Rebuttal Testimony (Appendices F-G)”. SCE has shaded the confidential material in the foregoing documents for easy identification.

SCE has already served confidential versions of the foregoing documents on Administrative Law Judge (ALJ) Fukutome and representatives of the Division of Ratepayer Advocates (DRA). Since no other party has requested hearings or protested SCE’s application, a redacted copy of the prepared testimony and appendices will be furnished to other interested parties only upon request.

II.

INFORMATION CONTAINED IN SCE’S PREPARED TESTIMONY AND ATTACHED APPENDICES IS CONFIDENTIAL AND MARKET SENSITIVE

In D.06-06-066, the Commission set forth standards for designating information as confidential in Commission proceedings. As part of that decision, the Commission set forth in the attached Appendix 1 a matrix that identified several categories of data and the level of confidentiality granted to each category. Specifically, the Commission stated in Ordering Paragraph 2 that “[w]here a party seeks confidentiality protection for data contained in the Matrix, its burden shall be to prove that the data match the Matrix category. Once it does so, it is entitled to the protection the Matrix provides for that category.”¹

Here, SCE is seeking confidential protection of certain confidential information contained in the above-referenced exhibits. This information, which has been shaded in gray in the confidential versions of the exhibits, has been determined to be confidential by the Commission pursuant to the D.06-06-066 matrix. The tables provided in the witness

¹ D.06-06-066 at 80.

declarations contained in Exhibit 3, titled “Witness Qualifications and Declarations Regarding the Confidentiality of Certain Data” indicate where the information is found in SCE’s exhibits, a short description of the information, and the corresponding category in the matrix that grants confidentiality. For the information included in the tables, SCE has specifically limited its redactions to information that is not already public, is covered by the matrix, and cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure.

III.

CONCLUSION

For all the reasons set forth above, SCE respectfully moves the Commission for an order sealing a portion of the evidentiary record, and directing that the confidential, market sensitive information described above and appearing in the confidential versions of the above-referenced Exhibits shall remain protected under D.06-06-066, and shall not be made accessible or disclosed to anyone other than Commission staff except upon further order of the Commission.

Respectfully submitted,

/s/ Connor J. Flanigan

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December 22, 2009

(Proposed Ruling)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Application of Southern California Edison)
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Application No. 09-04-002
(Filed April 1, 2009)

**ADMINISTRATIVE LAW JUDGE’S RULING ON MOTION OF SOUTHERN
CALIFORNIA EDISON TO SEAL A PORTION OF THE EVIDENTIARY RECORD**

On December 22, 2009, Southern California Edison Company (SCE) filed a motion requesting the Commission to seal a portion of the evidentiary record in this proceeding and deny public access to certain confidential material. The confidential material is identified by gray shading in the confidential versions of Exhibits 1, 2, 5, 6, and 7, and is described in the tables provided in Exhibit 3, titled “Witness Qualifications and Declarations Regarding the Confidentiality of Certain Data.” The reasons justifying confidential treatment of said material

are also contained in the aforementioned tables. SCE's reasons comply with the Commission's matrix of confidentiality set forth in Appendix 1 of D.06-06-066.

The Commission grants SCE's motion. Public disclosure of the confidential information that SCE seeks to protect would cause imminent and direct harm to SCE and its ratepayers, as determined by D.06-06-066.

Accordingly, it is ORDERED that the portion of the evidentiary record comprising the above-described confidential material is hereby sealed. Public access thereto is prohibited until further order of the Commission.

Dated _____, at San Francisco, California

David K. Fukutome
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of the **MOTION OF SOUTHERN CALIFORNIA EDISON COMPANY (U-338E) TO SEAL A PORTION OF THE EVIDENTIARY RECORD** on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **22nd day of December, 2009**, at Rosemead, California.

/s/ Christina A. Sanchez _____
Christina A. Sanchez
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SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
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Utilities Commission

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CALIFORNIA PUBLIC UTILITIES COMMISSION

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