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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for authority to Implement and Recover in Rates the Cost of its Proposed Solar Photovoltaic (PV) Program.

Application 08-03-015
(Filed March 27, 2008)

(NOT CONSOLIDATED)

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

Rulemaking 08-08-009
(Filed August 21, 2008)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTIONS FOR CONFIDENTIALITY**

This ruling addresses four motions filed by Southern California Edison Company (SCE) for confidential treatment of two reports that were filed concurrently in the above-captioned proceedings.

The first and second motions, filed on July 1, 2010, request leave to file the confidential and proprietary portions of SCE's first Annual Compliance Report on the Solar Photovoltaic Program (SPVP Report) under seal. SCE filed its first SPVP Report on July 1, 2010, pursuant to Decision (D.) 09-06-049.

The third and fourth motions, filed on September 24, 2010, request leave to file confidential materials in the Amendment to SPVP Report (Amendment SPVP Report) under seal. The Amendment SPVP Report was filed on September 24, 2010, and includes information pertaining to the independent power producer

portion of the program, including, documentation of all solicitations issued for power purchase agreements (PPA) and a description of all bids evaluated from PPA solicitation.

Each motion includes a summary table identifying specific data SCE requests to file under seal and the requested duration of the seal. SCE claims the requested materials, which include some of the text and several attachments or portions of the attachments in its SPVP Report and Amendment to SPVP Report, are all confidential information and must be protected in accordance with the Matrix in D.06-06-066, by statute, Commission decisions or contract.

After consultation with the assigned Administrative Law Judges in Rulemaking (R.) 08-08-009, I grant SCE's motions with the exceptions as described below.

D.06-06-066, as modified, establishes a Matrix, which identifies several categories of data, and the level of confidentiality granted to each category. Commission policy, however favors public disclosure, full participation and transparency, and places the burden on the party seeking confidential treatment to show that the information at issue is within one of the categories in D.06-06-066.

SCE's motions support its claim that the material SCE is seeking to protect and the requested duration of seal meet the criteria established in D.06-06-066, Commission decisions, and the statute with the following exceptions:

- There is no justification why the titles for Attachments B and C of the SPVP Report, and the titles of Attachments D and F of the Amendment to SPVP Report should remain confidential. While the content of these attachments are confidential, the titles need not be redacted. These titles shall be made public.

- Attachment D of the SPVP Report: Attachment D contains 3 entries for lease costs. The first two entries are public, but the third one is confidential. SCE refers to Section II (B) (1) of the Matrix, which covers Generation Costs Forecasts in seeking confidentiality protection. In addition, SCE states its confidentiality agreement with the lessor on the lease cost data requires it to keep the data confidential.
- SCE's justification for treating cost data for leases that have been signed is unsupported. First, private agreements between parties do not relieve the parties of compliance with Commission orders. Second, Section II (B) (1) of the Matrix in D.06-06-066 requires costs that are forecasted to be treated as confidential. Cost data for leases that are signed are no longer forecasted and do not require confidentiality treatment. Thus, all lease costs data for leases that have been signed shall be public.
- Attachment C of the Amendment to the SPVP Report: This attachment contains several tables showing the number of offers that failed the screens that were established to evaluate each offer. This data shall be public, because it shows the results in an aggregate format.
- Page 5 of the Amendment to the SPVP Report: SCE redacts information stating the number, capacity, and percentage of projects that failed the interconnection screens. This data shall be public, because it shows the results in an aggregate format.

IT IS RULED that:

1. The motions of Southern California Edison Company to file its Annual Compliance Report on the Solar Photovoltaic Program and its Amendment to the Annual Compliance Report on the Solar Photovoltaic Program under seal are granted except for the following:

- The titles of Attachments B and C of the Annual Compliance Report on the Solar Photovoltaic Program;

- The titles of Attachments D and F of the Amendment to the Solar Photovoltaic Program SPVP Report;
- All lease cost data for leases that have been signed in Attachment D of the Annual Compliance Report on the Solar Photovoltaic Program;
- Attachment C of the Amendment to the Annual Compliance Report on the Solar Photovoltaic Program; and
- Page 5 of the Amendment to the SPVP Report: SCE redacts information stating the number, capacity, and percentage of projects that failed the interconnection screens. This data shall be public, because it shows the results in an aggregate format.

2. With 10 days of the effective date of this ruling, Southern California Edison Company shall file a copy of the revised version of the items in the Ordering Paragraph 2 above (un-redacted) with the Commission's Docket office in Application (A.) 08-03-015 and Rulemaking (R.) 08-08-009 and serve a copy on all the parties in both proceedings.

3. The confidential information placed under seal pursuant to this ruling shall remain sealed for the period provided by the Matrix in Decision (D.) 06-06-066 or other authority. During this period, the confidential information shall not be made accessible or be disclosed to anyone except in accordance with the non-disclosure requirements specified in D.06-06-066 and other laws, or further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

