

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U-338-E) For Order Approving the Settlement Agreements Between Southern California Edison Company and Winning Bidders in Edison's Biennial Resource Plan Update Auction.

Application 97-05-027
(Filed May 13, 1997)

**ADMINISTRATIVE LAW JUDGE'S RULING
EXTENDING PROTECTIVE ORDER**

On October 17, 2003, Southern California Edison Company (Edison) filed a motion to extend the protective orders previously issued in this case and extended by Administrative Law Judge (ALJ) ruling through November 18, 2003. Edison claims that the circumstances justifying confidential treatment of the briefs, application, and exhibits have not changed. Edison states that the confidential information should be kept under seal because of confidentiality agreements concerning the terms of the settlements with each bidder, and because disclosure of the information would adversely affect Edison's ability to negotiate effectively with qualifying facilities and obtain the best possible terms for Edison's customers. No party objects to the extension of the protective orders.

I weigh the harm of disclosing the information against the public interest of disclosing the sealed information. At some point, due to the passage of time, the harm to Edison and its ratepayers from disclosing the sealed information should be minimal. However, at the time the application was decided by the

Commission, the Commission disclosed certain aspects of the settlements so that it could address them in a decision. Therefore, because general information as set forth in the final decision in matter has already been disclosed, I grant the Edison's motion for protective order as set forth below. However, if Edison seeks renewal of this protective order, it shall explain with specificity why the designated material still needs protection in light of the passage of time involved, and should attach a copy of this ruling to any further request.

IT IS RULED that:

1. The October 17, 2003 motion of Southern California Edison Company (Edison) for an extension of the protective orders previously extended in a November 13, 2001 Administrative Law Judge (ALJ) ruling is granted to the extent below.

2. The protective orders set forth in the May 28, 1998 Joint Ruling and November 18, 1999 ALJ Ruling, as previously extended in the November 5, 1999 and November 13, 2001 ALJ rulings, shall remain in effect through and including November 18, 2005, and during that period the material so protected shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned ALJ, or the ALJ then designated as Law and Motion Judge.

3. If Edison believes that further protection of this information is needed after November 18, 2005, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall explain with specificity why the designated material still needs protection in light of the passage of time involved, and Edison shall attach a copy of this ruling to its motion. This motion shall be filed no later than 30 days before the expiration of the protective order.

Dated November 14, 2003, at San Francisco, California.

/s/ JANET A. ECONOME

Janet A. Econome
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Extending Protective Order on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated November 14, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.