

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



Order Instituting Rulemaking to Modernize the
Electric Grid for a High Distributed Energy
Resources Future.

R.21-06-017
(Filed June 24, 2021)

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**SAN DIEGO GAS & ELECTRIC COMPANY'S (U 902-E)
MOTION FOR LEAVE TO FILE UNDER SEAL THE CONFIDENTIAL VERSION OF
THE INDEPENDENT PROFESSIONAL ENGINEER DISTRIBUTION PLANNING
ADVISORY GROUP REPORT**

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November 8, 2024

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**SAN DIEGO GAS & ELECTRIC COMPANY'S (U 902-E)
MOTION FOR LEAVE TO FILE UNDER SEAL THE CONFIDENTIAL VERSION
OF THE INDEPENDENT PROFESSIONAL ENGINEER DISTRIBUTION
PLANNING ADVISORY GROUP REPORT**

Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure and General Order 66-D, San Diego Gas & Electric Company (“SDG&E”) respectfully submits this motion for leave to file under seal the *confidential version* of the Independent Professional Engineer SDG&E 2024 Distribution Planning Advisory Group (“DPAG”) Report dated November 8, 2024 (the “DPAG Report”) prepared by Resource Innovations. The public version of the DPAG Report has been filed and served to the service list concurrently with this motion.

I. GOOD CAUSE EXISTS FOR GRANTING THE MOTION

Public Utilities Code § 8380(b)(1) states: “An electrical corporation or gas corporation shall not share, disclose, or otherwise make accessible to any third party a customer’s electrical or gas consumption data, except as provided in subdivision (f) or upon the consent of the customer.” Section 8380(f) authorizes an electrical corporation or gas corporation to provide customer aggregate electrical or gas consumption data if all information has been removed regarding the individual identity of a customer. In D.14-05-016, the Commission clarified the

level of aggregation required to sufficiently mask the individual identity of a customer as permitted by Section 8380(f). This has become known as the 15/15 Rule.¹

In addition, the Commission has recognized the concern with producing customer usage data and data whose disclosure presents a physical or cyber security risk with respect to the Grid Needs Assessment (“GNA”) and Distribution Deferral Opportunity Report (“DDOR”) filings in D.18-02-004, stating that “[w]e do not expect IOUs to publish distribution system planning data that violates the customer privacy provisions established in D.14-05-016, nor that creates a physical or cyber security risk to the electric system.”² Subsequently, the Administrative Law Judge further clarified this preemptive determination of confidentiality within the GNA and DDOR filings, stating:

“The request to redact information to protect the privacy of a customer’s identifiable energy usage is granted in accordance with Pub. Util. Code § 8380(b) (1) and (d). Data that includes distribution load, energy usage, or demand data at a local geo-spatial level shall be anonymized and aggregated to meet customer privacy requirements in accordance with Pub. Util. Code § 8380(e) (1). The IOUs shall use the 15/15 Rule (i.e., information in a data set should be made up of at least 15 customers, and a customer’s load must be less than 15% of an aggregation category) that the Commission established in Decision 97-10-031 and Decision (D.) 14-05-016 for data in the Integration Capacity Analysis (ICA), Locational Net Benefits Analysis (LNBA), Grid Needs Assessment (GNA), and Distribution Deferral Opportunity.”³

The GNA and DDOR filings serve the basis for the DPAG Report. The DPAG Report presents data pertaining to customer energy and demand forecasts as they impact SDG&E distribution equipment and planning needs at a local level. The data may reveal customer energy

¹ See D.14-05-016, pp. 26-27.

² D.18-02-004, p. 31.

³ *Administrative Law Judge’s Ruling Addressing Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company’s Claims for Confidential Treatment and Redaction of Distribution System Planning Data Ordered by Decisions 17-09-026 and 18-02-004*, p. 22. Filed July 24, 2018 in Rulemaking 14-08-013 (Distribution Resources Plan proceeding).

and demand data if there are few customers on a distribution circuit or line segment. The DPAG Report also contains sensitive security information whose public disclosure poses a physical and security risk to SDG&E.

The Commission has established procedures for the submission of information with a claim of confidentiality.⁴ Under these procedures, a party must file a motion in the docket of a formal proceeding to request confidential treatment. The movant must specify the basis for the Commission to afford confidential treatment for the submitted information.⁵ In its motion, the utility must establish:

- 1) That the material it is submitting constitutes a particular type of data listed in the matrix;
- 2) The category or categories in the matrix to which the data correspond;
- 3) That it is complying with the limitations on confidentiality specified in the matrix for that type of data;
- 4) That the information is not already public; and
- 5) That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.⁶

The material that SDG&E seeks to protect is the confidential, unredacted version of the DPAG Report. SDG&E notes that the public version of the DPAG Report has been submitted to the record of this proceeding and served on the service list. Attached to this motion as

⁴ *Phase 2a Decision Adopting General Order 66-D and Administrative Processes for Submission and Release of Potentially Confidential Information*, R.14-11-001, D.17-09-023, p. 1; *See generally, Phase 2b Decision Adopting Baseline Showings Necessary To Qualify For Consideration Of Confidential Treatment*, R.14-11-001, D.20-08-031

⁵ *Id.*, Appendix A, General Order 66-D, pp. 2-3 (Section 3.3).

⁶ D.06-06-066, Ordering Paragraph 2.

Attachment A is the confidentiality declaration of Alan Dulgeroff attesting that the information in the confidential version of the DPAG Report is confidential pursuant to Pub. Util. Code § 8380, and Gov't Code §§ 6254(k), 6254.7(d), 6254.15, and 6255(a), among other statutory provisions. The DPAG Report contains confidential information that, to the best of SDG&E's knowledge, have not been publicly disclosed.

II. CONCLUSION

For the reasons set forth above, SDG&E respectfully moves to file under seal the confidential versions of the DPAG Report. A proposed ruling is attached to this motion as **Attachment B**.

Respectfully submitted,

/s/ Roger A. Cerda

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ATTACHMENT A

CONFIDENTIALITY DECLARATION OF ALAN DULGEROFF

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

**DECLARATION OF ALAN DULGEROFF
REGARDING CONFIDENTIALITY OF CERTAIN DATA/DOCUMENTS
PURSUANT TO D.17-09-023**

I, Alan Dulgeroff, do declare as follows:

1. I am the Director of Electric System Planning for San Diego Gas & Electric Company (SDG&E). I have been delegated authority to sign this declaration. I have reviewed the confidential information include within the 2024 IPE report prepared by IPE for SDG&E. I am personally familiar with the facts in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or information and belief.

2. I hereby provide this Declaration in accordance with Decision (D.) 17-09-023 and General Order (“GO”) 66-D Revision 1¹ to demonstrate that the confidential information (“Protected Information”) provided in “Confidential Independent Professional Engineer SDGE 2024 DPAG report.doc”, “Data from SDG&E – Confidential.zip” is within the scope of data protected as confidential under applicable law.

3. In accordance with the narrative justification described in Attachment A, the Protected Information should be protected from public disclosure.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this ^{8th} of November 2024, at San Diego, California.



Alan Dulgeroff
Director – Electric System Planning

¹GO 66-D was modified by D. 19-01-028 to create GO 66-D Revision 1 which became effective February 1, 2019.

ATTACHMENT A

SDG&E Request for Confidentiality on the following information in its 2024 IPE report

Location of Protected Information	Legal Citations	Narrative Justification
<p>“Confidential Independent Professional Engineer SDGE 2024 DPAG report.doc”</p> <p>“Data from SDG&E – Confidential.zip”</p> <p>(confidential information is highlighted in gray)</p>	<ul style="list-style-type: none"> • Gov’t Code § 6254(k) (“Records, the disclosure of which is exempted or prohibited pursuant to federal or state law”) <ul style="list-style-type: none"> • 49 CFR §§ 1520.5² & 1520.9 (defining SSI and restricting its disclosure) • <i>Chowdhury v. Nw. Airlines Corp.</i>, 226 F.R.D. 608 (N.D. Cal. 2004) • Gov’t Code § 6254.7(d) (Trade Secrets) • Gov’t Code § 6254.15 <ul style="list-style-type: none"> • Evid. Code § 1060 • Civil Code § 3426 et seq. (relating to trade secrets) • Cal. Pub. Util. Code § 8380 (b) (1), (d) and (e) (1) • Public Utilities Code Section 583, General Order 66 D • CPRA Exemption, Gov’t Code § 6255(a) (Balancing Test) 	<p>The Protected Information is entitled to confidential treatment under applicable law, including, but not limited to, the legal authority cited herein.</p> <p>Private customer data related to energy usage should be protected given its implications. Public disclosure of this information could compromise privacy to the potential harm of customers. Allowing such information could cause financial harm to customers and reveal energy consumption information of a federal customer (military base).</p> <p>SDG&E conducts competitive solicitations for both wires and non-wires projects, and publicly sharing detailed cost information could invite market manipulation and/or adversely affect the competitiveness of contractor bids and ratepayer costs.</p>

² 49 CFR § 1520.5(a) defines “sensitive security information” as: [I]nformation obtained or developed in the conduct of security activities, including research and development, the disclosure of which TSA has determined would—

- (1) Constitute an unwarranted invasion of privacy (including, but not limited to, information contained in any personnel, medical, or similar file);
- (2) Reveal trade secrets or privileged or confidential information obtained from any person; or
- (3) Be detrimental to the security of transportation.

See 49 CFR § 1520.5(b) for a list of information constituting SSI.

ATTACHMENT B
PROPOSED RULING

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[PROPOSED] RULING

Pursuant to Rule 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and D.06-06-066, San Diego Gas & Electric Company (“SDG&E”) filed a motion on November 8, 2024 requesting authority to file and maintain confidential, data pertaining to customer energy and demand forecasts impacting SDG&E’s distribution equipment and planning needs, appearing in the confidential version of the Independent Professional Engineer SDG&E 2024 Distribution Planning Advisory Group Report dated November 8, 2024 (the “DPAG Report”) prepared by Resource Innovations.

The information for which confidential treatment is sought is protected under the IOU Matrix adopted in D.06-06-066 (the “IOU Matrix”) and Public Utility Code Section 8380. In addition, the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Therefore, it is ordered that:

1. The confidential information contained in the DPAG Report shall remain sealed and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned Administrative Law Judges (“ALJs”) or an ALJ designated to decide this motion;
2. Further proceedings, if any, held with respect to matters contained in the confidential information shall be conducted in a manner the assigned ALJs deem

reasonably necessary to protect the confidentiality of the materials described herein;

3. SDG&E has the right to consider and reject requests for access to this material by means of a non-disclosure agreement or other method; and
4. All additional documentary evidence in this proceeding that addresses or relates to the subject matter of the confidential information must be treated in the confidential manner described in paragraphs 1 and 2, above.

Dated _____, 2024 at San Francisco, California.

Administrative Law Judge