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May 20, 2010

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Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Simon Baker, Supervisor
Energy Efficiency Section, Energy Division
California Public Utilities Commission
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San Francisco, California 94102

Honesto Gatchalian
CPUC Energy Division, DMS Branch
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505 Van Ness Avenue
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Akbar Jazayeri
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Southern California Edison Company
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Bruce Foster
Senior Vice President, Regulatory Affairs
c/o Karyn Gansecki
Southern California Edison Company
601 Van Ness Avenue, Suite 2040
San Francisco, California 94102

RE: Confidentiality Request in Southern California Edison Advice Letter 2473 - 2010-2012 Energy Efficiency Local Government Strategic Plan Strategies Solicitation and Pilot Program

Dear Director Fitch, Mr. Baker, Mr. Gatchalian, and Ms. Salinas:

The Local Government Sustainable Energy Coalition (“LGSEC”) requests the California Public Utilities Commission (“Commission”) immediately compel Southern California Edison (“SCE”) to remove the Confidentiality Requirement contained in Attachment B of SCE’s Advice Letter 2473, submitted May 18, 2010. Attachment B of the Advice Letter should immediately be made available for public review. The LGSEC further requests the Commission extend the due date for comments on SCE Advice Letter 2473 on a day-for-day basis based on when SCE provides publicly the information it incorrectly seeks to withhold. The LGSEC will offer comments on the content of the actual Advice Letter in accordance with the Commission’s Rules and the extension requested above, which we expect the Commission will grant.

Several members of the LGSEC participated in the solicitation for which SCE seeks Commission approval in Advice Letter 2473. As a practical matter, all of the information in the proposals is publicly available information because the proposals were submitted by public entities that are subject to disclosure rules under the Brown Act. SCE’s requirement for confidentiality prejudices the ability of the LGSEC, other solicitation participants, and interested

parties to evaluate the Advice Letter in its entirety, and therefore compromises their ability to meaningfully participate in the Commission's proceedings.

Background

In Decision 09-09-047, the Commission directed SCE to add \$32 million to its 2010-2012 energy efficiency program for local government partnerships. The \$32 million is to be used to solicit "competitive proposals from local governments in its service territory" to "pilot innovative local government Strategic Plan strategies."¹ PG&E was similarly directed. Initially the utilities were to submit Advice Letters implementing this provision within 120 days of D.09-09-047. PG&E met this requirement. SCE requested and was granted an extension to submit its advice letter now.

There Is No Information In The Bid Process That Should Be Considered Confidential

The solicitation that is the subject of Advice Letter 2473 was entirely from local governments that are "partners" with SCE in its 2010-2012 energy efficiency program. As local governments, any information included in the proposals is publicly available under the Brown Act. Any member of the public could request from any local government that participated in the SCE solicitation a copy of the proposal, and the local government would be compelled to provide it. Nowhere in the solicitation requirements was there a provision for bidding local governments to sign confidentiality or non-disclosure agreements. For SCE to withhold this information from the public in the Advice Letter it filed May 18 with the Commission is not consistent with State law.

SCE claims that because the information contained in Attachment B of Advice Letter 2473 is "subject to negotiations," making Attachment B publicly available would "undermine the efforts of SCE's negotiations with selected bidders."² SCE requests that this information remain confidential for the "entire duration" of any contracts that might be negotiated as a result of the solicitation. By contrast, when PG&E submitted Advice Letter 3081-G/3597-E for its Innovator Pilot program, while it did not include individual budgets, it also did not require a confidentiality agreement.³

The LGSEC submits that the final negotiated scopes of work and budgets for SCE's solicitation would be strengthened and made more, not less, cost-effective if all parties are able to see how their peers have proposed to accomplish the same or similar tasks. An examination of the bidders and projects SCE proposes to award shows many similar projects being proposed by,

¹ D.09-09-047, p. 260.

² Southern California Edison, Advice Letter 2473, May 18, 2010, p. 3.

³ LGSEC protested PG&E's non-disclosure of proposed project budgets in our February 11, 2010 letter "Re: Utility Advice Letters Implementing 2010-2012 Energy Efficiency Portfolio." Our comments said, "We also are concerned that the final budgets have not been provided in the Advice Letter. It would be useful for the Commission to know the magnitude of the projects as proposed by the applicants, and then the amount by which PG&E would like to decrease the programs. While there is a tension between giving the utilities authority to manage their portfolios and micro-managing every decision, the Commission – and ratepayers – should receive the benefits of these innovative programs as devised by the applicants."



in some cases, neighboring entities.⁴ At some point local governments may even wish to work together in developing energy programs, expertise and resources across their regions more cost-effectively and in coordination with SCE.

SCE's reasoning for not disclosing the information in Attachment B to Advice Letter 2473 is further suspect when one realizes that all bidders received a list that provides for each bidder the total amount in the proposal and the amount SCE proposes to award. This information was circulated to all bidders with no provisos about confidentiality. It is included as Attachment A to this letter.

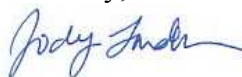
The LGSEC reserves the opportunity to comment on the proposed awards at the appropriate time.

Conclusion

The Commission should deny the unusual request from SCE to subject information provided by local governments to confidentiality requirements that violate law. This request displays SCE's lack of familiarity with the laws and procedures under which local governments operate. It also is indicative of the lack of collaboration by SCE in working with its local government "partners" and of SCE's unwillingness to have local governments collaborate on energy efficiency programs. The Commission should direct SCE to re-file Advice Letter 2473 with Attachment B publicly available. The Commission should further extend the comment period on Advice Letter 2473 on a day-for-day basis based on when SCE provides publicly the information it incorrectly seeks to withhold.

Please contact me with any questions or comments.

Sincerely,



Jody London

cc: Service List, A.08-07-021, et. al.
CPUC Commissioners

⁴ Advice Letter 2473, pp. 6-9.



ATTACHMENT A

From: Jesse.Langley@sce.com [mailto:Jesse.Langley@sce.com]
Sent: Wednesday, April 28, 2010 4:24 PM
To: David.Gamache@sce.com
Subject: SCE Local Government Strategic Plan Solicitation

Local Government Strategic Plan Strategies Solicitation / PEPMA# 09-300 - Flight # 5.6

Bidder Selection for Pre-Award, Contract Negotiations

Dear Local Government Bidders,

Thank you for your proposal to the Local Government Strategic Plan Solicitation. The attached list delineates the local government partners who have been selected to move forward into contract negotiations with Southern California Edison. The bidders with a full or partial award will be contacted by the SCE Local Government Partnership Strategic Solicitation Team to schedule the initial contract negotiation meeting.

If your proposal was not one of those selected to move forward into the next phase of this process, we encourage you to schedule a debriefing meeting. Debriefings will be conducted by the Local Government Partnership Strategic Solicitation Team. The individual meeting times are scheduled to begin May 3, 2010 and conclude on May 17, 2010. To make a reservation, please contact Jesse Langley at (626) 633-9901 or email at Jesse.Langley@sce.com.

In addition, local governments not funded in this solicitation will be eligible to participate in a phase 2 Strategic Solicitation later this year. We will provide more details about this opportunity as they become available.

Thank you for your proposal and interest in this project. Kind regards on behalf of the SCE Energy Efficiency Partnership Team-

Jesse Langley
Southern California Edison
Customer Energy Efficiency and Solar Division
Project Manager, Local Government Partnership
626-633-9901 (PAX 43901)
626-633-3408 Fax
Jesse.Langley@SCE.com

	City/County Proposal	Participating Cities	Total Proposed Budget	Proposed Total Awarded (to be negotiated)
1	CVAG	Desert Hot Springs, Cathedral City, Indian Wells, Palm Springs, Rancho Mirage, Agua Caliente Mission Indians, Blythe	\$6,140,400	\$6,140,400
2	City of Brea	City of Brea	\$448,748	\$448,748
3	City of South Gate	City of South Gate	\$886,000	\$886,000
4	Orange County Cities	Costa Mesa, Huntington Beach, Fountain Valley, Westminster, Irvine	\$4,285,000	\$1,675,000
5	City of El Segundo	City of El Segundo	\$546,500	\$546,500
6	City of Santa Monica	City of Santa Monica	\$493,000	\$273,000
7	Santa Barbara County	Santa Barbara County	\$993,988	\$339,256
8	Kern COG	California City, Delano, McFarland, Ridgecrest, Tehachapi, Kern County	\$1,176,000	\$1,176,000
9	City of Goleta	City of Goleta	\$386,816	\$386,816
10	City of Inglewood	City of Inglewood	\$146,434	\$146,434
11	SGVCOG	Alhambra, Arcadia, Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar, Duarte, El Monte, Glendora, Irwindale, La Canada-Flintridge, La Puente, La Verne, Monrovia, Montebello, Monterey Park, Pomona, Rosemead, San Dimas, San Gabriel, San Marino, Sierra Madre, South El Monte, South Pasadena, Temple City, Walnut, West Covina	\$5,565,148	\$4,676,228
12	City of Moreno Valley	City of Moreno Valley	\$655,321	\$375,477
13	City of Beaumont	City of Beaumont	\$110,000	\$110,000
14	City of Irvine	City of Irvine	\$208,000	\$208,000
15	Los Angeles County	Los Angeles County	\$1,000,000	\$800,000
16	City of Santa Clarita	City of Santa Clarita	\$172,401	\$94,160
17	SBCOG	Carson, El Segundo, Gardena, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Torrance	\$1,508,175	\$977,980
18	City of Santa Ana	City of Santa Ana	\$1,049,928	\$729,928
19	City of Delano	City of Delano	\$379,650	\$379,650
20	VCREA	Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, Ventura, Unincorporated	\$316,000	\$316,000
21	City of Oxnard	City of Oxnard	\$875,000	\$275,000
22	County of Ventura	Ventura County	\$1,000,000	\$1,000,000
23	City of Simi Valley	City of Simi Valley	\$455,000	\$130,000
24	Inyo County	Inyo County	\$181,000	\$181,000
25	City of Long Beach	City of Long Beach	\$840,000	\$0
26	City of Santa Barbara	City of Santa Barbara	\$399,000	\$0
27	Mono County	Mono County, Mammoth Lakes	\$292,667	\$0
	Total		\$30,510,176	\$22,271,577

