

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate and Refine  
Procurement Policies and Consider Long-Term  
Procurement Plans.

Rulemaking 10-05-006  
(Filed May 6, 2010)

**THE DIVISION OF RATEPAYER ADVOCATES' RESPONSE  
TO THE ADMINISTRATIVE LAW JUDGE RULING SEEKING FURTHER  
INFORMATION REGARDING THE DIVISION OF RATEPAYER ADVOCATES  
MARCH 30, 2012 MOTION AND REQUEST TO WITHDRAW  
MARCH 30, 2012 MOTION**

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May 24, 2012

## I. INTRODUCTION

Pursuant to Rule 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Division of Ratepayer Advocates (DRA) respectfully submits this response to the May 15, 2012 Administrative Law Judge Ruling Seeking Further Information Regarding the March 30, 2012 Motion Filed by the Division of Ratepayer Advocates (ALJ Ruling).<sup>1</sup> Based on the information provided in this response, DRA respectfully withdraws its March 30, 2012 “Motion for Leave to File under Seal” (Motion) certain information set forth in a written *ex parte* communication that occurred that day.

## II. DISCUSSION

DRA filed its Motion requesting confidential status for portions of its report “Case Study of Smart Meter System Deployment: Recommendations for Ensuring Ratepayer Benefits” attached to the Notice of *Ex Parte* Communication filed on March 30, 2012. DRA redacted the information for which it sought confidential status from the public version of the report.

DRA’s Motion stated that the confidential information addresses the costs and benefits of deployment of Southern California Edison’s (SCE) “SmartConnect” advanced metering infrastructure to date. Based on communications with representatives of SCE, DRA asserted that the information redacted from the public version of the report, “is deemed market sensitive, and has been designated confidential pursuant to Public Utilities Code Section 583 and General Order 66-C.”<sup>2</sup>

The ALJ Ruling directs DRA and/or SCE to submit additional information in support of DRA’s assertion, including:

- Any prior Commission ruling which examined the information at issue and determined it to qualify under the Commission’s rules to be sealed from public view;

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<sup>1</sup> The ALJ Ruling was issued in A.11-03-014 et al, but directed the response be served in all dockets in which “DRA has filed a similar motion to file an un-redacted version of the Smart Meter Case Study under seal.” ALJ Ruling, p. 3.

<sup>2</sup> DRA Motion, p.1.

- Specific legal authority for finding a basis to exclude each piece of information at issue from public disclosure;
- An argument for why each piece of information at issue qualifies for the proposed exclusion; and
- The specific period of time that the identified information shall remain under seal.

In the process of preparing the response to the ALJ Ruling, SCE determined that the redacted information was in fact, not market sensitive or confidential. DRA therefore no longer considers the information market sensitive or confidential and respectfully withdraws its motion.

### **III. CONCLUSION**

Because SCE no longer considers information redacted from the public version of DRA respectfully withdraws Motion for Leave to File under Seal” certain information set forth in a written *ex parte* communication that occurred March 30, 2012.

Respectfully submitted,

/s/ DIANA L. LEE

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