

PUBLIC VERSION

January 28, 2009

ADVICE 68
(U 6096-C)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
TELECOMMUNICATIONS DIVISION

SUBJECT: Informational Advice Letter
2009 First Quarter Report of Southern California Edison
Company for Competitive Local Exchange Projects -
Additional Construction Projects

PURPOSE

In compliance with Decision (D.) 98-12-083, on December 1, 2008, Southern California Edison Company (SCE) submitted for filing Advice 64, its 2009 First Quarter Report, which summarized the competitive local exchange construction projects that were anticipated for the first quarter. On December 19, 2008 SCE submitted for filing Advice 65 which summerarized five (5) additional construction projects that are anticipated for the first quarter. On January 15, 2009 SCE submitted for filing Advice 67 which summerarized three (3) additional construction projects that are anticipated for the first quarter. SCE has now identified and submits for filing four (4) additional projects it intends to construct in the first quarter 2009.

BACKGROUND

In D.98-12-083, the California Public Utilities Commission (Commission) granted a certificate of public convenience and necessity (CPCN) to SCE to operate as a competitive local carrier (CLC) in the State of California. D.98-12-083 requires CLCs to implement specific mitigation measures adopted in the Mitigated Negative Declaration, attached to the Decision as Appendix D, in compliance with the California Environmental Quality Act.

Appendix D to D.98-12-083 contains the mitigation monitoring process for the CLCs' proposed projects and describes the roles and responsibilities of government agencies in implementing and enforcing the selected mitigation measures.

Mitigation Measure B of Appendix D to D.98-12-083 requires the CLCs to file a quarterly report, as an informational advice letter, one month prior to the beginning of each quarter

that summarizes the construction projects that each intends to construct in the upcoming quarter. The report is to contain a description of the project and its location and a summary of the CLCs' compliance with the mitigation measures described in the Mitigated Negative Declaration. The purpose of the report is to inform the local agencies of future projects so that coordination of projects among CLCs in the same locality can be conducted.

Mitigation Measure B requires the quarterly report to be filed with the appropriate planning agency of the locality where the project(s) will occur and as an informational advice letter with the Commission's Telecommunications Division. This informational advice letter fulfills the latter requirement.

CONFIDENTIALITY

This filing includes additional information (Attachment A hereto) to SCE's confidential 2009 First Quarter Report, which summarizes four (4) additional competitive local exchange construction projects that are anticipated for the first quarter. Attachment A is not included in the version of this advice letter that is being publicly posted on www.sce.com. The complete advice filing is being submitted to the Telecommunications Division of the Commission. In accordance with General Order (GO) 96-B, the confidentiality of information included in SCE's 2009 First Quarter Report is described below. At the request of SCE, the Commission has historically treated the information contained in the quarterly reports as confidential proprietary information in accordance with Section 583 of the California Public Utilities Code.¹ On February 22, 2001, SCE received a letter from the Energy Division stating that it would no longer treat the information contained in the quarterly reports as confidential because to do so would "defeat the purpose of the reports, and contradict the clear (although not specifically stated) intent of the Commission." Understanding that the advice letter process may not be the proper forum to debate the issue, SCE believes that the Commission's objectives with regard to the filing are currently being met, and the Commission's treatment of the reports should remain unchanged. To this end, SCE continues to request that the information contained in Attachment A remain confidential in accordance with Section 583 of the California Public Utilities Code. The proprietary business information contained in Attachment A shall remain confidential for one year unless extended prior to the expiration of one year, or until an order of the Commission is issued designating the information not confidential. In accordance with GO 96-B, SCE has attached a proposed Protective Order (Attachment B hereto) that covers SCE's 2009 First Quarter Report for competitive local exchange projects, including the additional information submitted with this advice filing in Attachment A.

¹ No information furnished to the Commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or a Corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the Commission, or by the Commission or a Commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the Commission who divulges any such information is guilty of a misdemeanor.

The additional information (Attachment A) to SCE's confidential 2009 First Quarter Report will be made available to appropriate parties in accordance with the proposed Protective Order upon execution of the required non-disclosure agreement. Parties wishing to obtain access to Attachment A may contact Robert LeMoine in SCE's Law Department at Robert.F.LeMoine@sce.com or (626) 302-4182 to obtain a non-disclosure agreement.

The confidential information provided in SCE's 2009 First Quarter Report cannot be aggregated, redacted, summarized, masked, or otherwise protected in a manner that would allow partial disclosure of the data, while still protecting confidential information. SCE would object to any disclosure of the confidential information in aggregated form.

To the best of my knowledge, SCE maintains as confidential the information contained in the 2009 First Quarter Report for which confidentiality is sought in this advice filing. I am informed and believe that this information is maintained by Edison Carrier Solutions and provided internally only to those employees who need to know the information to carry out their job duties. I am also informed and believe that this information has not been disclosed to any person other than employees of SCE or non-market participants (such as staff of the Commission).

TIER DESIGNATION

Pursuant to D.07-09-019, Telecommunications Industry Rule 7.1(3), this advice letter is subject to Telecommunications Division disposition and should be classified as Tier 1. Concurrent with this filing, SCE provides the appropriate planning agencies with the portion of the quarterly report pertaining to projects in such agencies' locality.

No cost information is required for this advice filing.

This advice filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other schedule or rule.

In accordance with Public Utilities Code Section 491, notice to the public is hereby given by filing and keeping the advice filing open for public inspection at SCE's corporate headquarters.

Southern California Edison Company

Akbar Jazayeri

AJ:ph:jm
Enclosures

**CALIFORNIA PUBLIC UTILITIES
COMMISSION**
Advice Letter Filing Summary Sheet
(PAL)

(Date Filed / Received Stamp by CPUC Industry Division)

Date AL served on parties: N/A

Company Name: Southern California Edison Company

CPUC Utility Number: U 6096-C

Address: 2244 Walnut Grove Avenue

GRC-LEC URF-Carrier Other

City, State, ZIP:: Rosemead, CA 91770

Commission Resolution Requested
Carrier of Last Resort (See D.96-10-066)

Filing AL #: 68 **Requested Effective Date:** _____

AL Tier I II III

	Name:	Email Address:	Phone No.:	Fax No.:
Filer	James Yee	James.Yee@sce.com	626-302-2509	626-302-4829
Certif.	James Yee	advicetariffmanager@sce.com	626-302-2509	No. Tariff Sheets: -0-

(Name, email address & Phone and FAX numbers *are Required for "Filer"*)

Tariff Schedules (see keyword list on reverse): None

Keyword: Compliance

For Contract Keyword, Type: Government Other Date Executed _____ Contract Total Rev (\$) _____

Subject of filing (Service(s) included): **Informational Advice Letter - 2009 First Quarter Report of Southern California Edison Company for Competitive Local Exchange Projects- Additional Construction Projects**

Authorization for filing: D.98-12-083

(Resolution #, Decision #, etc.)

Affected services:

(Other services affected, pending or replacement AL filings)

Rate Element(s) affected and % change:

(Non-recurring and / or recurring)

Customer Notice Required (if so, please attach)

Notes/Comments:

(Other information & reference to advice letter, etc.)

Confidential treatment requested? Yes No

If yes, specification of confidential information: See advice letter.

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement.

Name and contact information to request nondisclosure agreement/access to confidential information:

Robert LeMoine, SCE Law Department, at (626) 302-4182 or Robert.F.LeMoine@sce.com

File Protest and/or Correspondence to:

Director, Telecommunications Division
505 Van Ness Ave., San Francisco, CA 94102

and if you have email capability, ALSO email to:

TD_PAL@cpuc.ca.gov

Protest also *must be served on utility:*

(see utility advice letter for more information)

GRC-LEC = Cost of Service LEC Carrier

URF-Carrier = Uniform Regulatory Framework Carrier
(see D.06-08-030/D.07-09-019)

OTHER = Wireless (CMRS) Carrier

(FOR CPUC USE ONLY)

Resolution Required

Executive Action Resolution Req'd.

TD Suspension on: ___ / ___ / ___

Comm. Suspension on: ___ / ___ / ___

Resolution No.: T - _____

Rev. 09/24/07

Supv. / Analyst _____ / _____

Due Date to Supv.: _____

Analyst Completion Date: _____

Supervisor Approval Date: _____

AL / Tariff Effective Date: _____

Notes: _____

Advice 68

Attachment A

CONFIDENTIAL INFORMATION

Advice 68

Attachment B
Proposed Protective Order

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

2009 First Quarter Report of Southern)	
California Edison Company for Competitive)	Advice 68
Local Exchange Projects-Additional)	
Construction Projects)	

PROTECTIVE ORDER

1. Scope. This Protective Order shall govern access to Protected Material contained in the confidential version of Advice Letter 68. This Protective Order does not address the right of employees of the California Public Utilities Commission (“CPUC” or “Commission”) acting in their official capacities (“Commission Staff”) to view protected materials because Commission Staff are entitled to view Protected Materials in accordance with the requirements of Section 583 of the Public Utilities Code and the Commission’s General Order 66-C.

2. Modification. This Protective Order shall remain in effect until it is modified or terminated by the Commission after all affected parties have been given notice and have had a reasonable opportunity to be heard.

3. Definitions

A. The term “Protected Material(s)” means (i) trade secret, market sensitive, or other confidential and/or proprietary information as determined in good faith by the Disclosing Party in accordance with General Order 66-C, Public Utilities Code Sections 583 and 454.5(g), or any other right of confidentiality provided by law, or (ii) any other materials that are made subject to this Protective Order by the Assigned ALJ, Law and Motion Administrative Law Judge (“Law and Motion ALJ”), Assigned Commissioner, the Commission, or any court or other body having appropriate authority. Protected Materials also includes memoranda, handwritten notes, spreadsheets, computer files and reports, and any other form of information (including

information in electronic form) that copies, discloses, or compiles other Protected Materials or from which such materials may be derived. Protected Materials do not include: (i) any information or document contained in the public files of the CPUC or any other state or federal agency, or in any state or federal court, unless such information or document has been determined to be protected by such agency or court; or (ii) any information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Protective Order or any other protective order.

B. The term “redacted” refers to situations in which Protected Materials in a document, whether the document is in paper or electronic form, have been covered, blocked out, or removed. The term “unredacted” refers to situations in which the Protected Materials in a document, whether in paper or electronic form, have been shaded but not covered, blocked out, or removed.

C. The term “Disclosing Party” means a party who initially discloses any specified Protected Materials in this proceeding.

D. Persons or entities may have access to market sensitive information through their designated Reviewing Representatives. All Reviewing Representatives are required to execute a non-disclosure agreement and are bound by the terms of this Protective Order.

4. Designation of Materials.

When filing or providing in discovery any documents containing Protected Materials, a party shall physically mark such documents on each page (or in the case of non-documentary materials such as computer diskettes, on each item) as “PROTECTED MATERIALS SUBJECT TO PROTECTIVE ORDER,” or with words of similar import as long as one or more of the terms, “Protected Materials,” “Protective Order,” “Section 583” or “General Order No. 66-C” is included in the designation to indicate that the materials in question are protected.

All materials so designated shall be treated as Protected Materials unless and until (a) the designation is withdrawn pursuant to Paragraph 17 hereof, or (b) there is a determination pursuant to Paragraph 4 hereof changing the designation and a period of 14 calendar days has elapsed without an appeal or other challenge to the determination pending.

All documents containing Protected Materials that are filed with the Commission or served shall be placed in sealed envelopes or otherwise appropriately protected and shall be endorsed to the effect that they are filed or served under seal pursuant to this Protective Order. Such documents shall be served upon Reviewing Representatives and persons employed by or working on behalf of the state governmental agencies referred to in Paragraphs 11(a), 11(b) and 11(c) hereof who are eligible and have requested to review such materials. Service upon the persons specified in the foregoing sentence may either be (a) by electronic mail in accordance with the procedures adopted in this proceeding, (b) by facsimile, or (c) by overnight mail or messenger service. Whenever service of a document containing Protected Materials is made by overnight mail or messenger service, the Assigned ALJ shall be served with such document by hand on the date that service is due.

5. Redaction of Documents. Whenever a party files or provides in discovery a document that includes Protected Materials (including but not limited to briefs, testimony, exhibits, and responses to data requests), such party shall also prepare a redacted version of such document. The redacted version shall enable persons familiar with this proceeding to determine with reasonable certainty the nature (but not magnitude) of the data that has been redacted and where the redactions occurred. The redacted version of a document to be filed shall be served on all persons on the service list, and the redacted version of a discovery document shall be served on all persons entitled thereto.

6. Selection of Reviewing Representatives. Each person or entity selecting a Reviewing Representative shall first identify its proposed Reviewing Representative to all other parties and the Division Director and shall provide all parties with a curriculum vitae of each candidate,

including a brief description of the candidate's professional experience and past and present professional affiliations for the last 10 years. Any party who objects to a proposed Reviewing Representative shall advise the proposing party in writing within five (5) business days from receipt of such notice, setting forth in detail the reasons therefor. In the event of such objection, the proposing party, the objecting party or parties, and the Division Director shall promptly meet and confer to try to resolve the issue, and if necessary seek a ruling from either the Assigned ALJ or the Law and Motion ALJ. In ruling on the motion, the Assigned ALJ or the Law and Motion ALJ shall consider all relevant facts, including whether the proposed Reviewing Representative has a need to know the information in the Protected Materials to prove or defend against a material element of one or more issues presented in this proceeding, and whether it is reasonable to conclude that the information sought by the Reviewing Representative is essential to a fair resolution of an issue in this proceeding. If a party desires to designate a Reviewing Representative who has previously been approved for that status in a prior Commission proceeding and that person's professional responsibilities have not changed since the prior designation, the party need not repeat the process described above unless the Disclosing Party raises an objection to the person's selection as a Reviewing Representative, in which case the proposing party, the objecting party, and the Division Director shall promptly meet and confer to try to resolve the issue, and if necessary follow the remaining steps set forth above.

7. Access to Protected Materials and Use of Protected Materials. Subject to the terms of this Protective Order, Reviewing Representatives shall be entitled to access to Protected Materials. All other parties shall not be granted access to Protected Materials, but shall instead be limited to reviewing redacted versions of documents. Reviewing Representatives may make copies of Protected Materials, but such copies become Protected Materials. Reviewing Representatives may make notes of Protected Materials, which shall be treated as Notes of Protected Materials if they disclose the contents of Protected Materials. Protected Materials obtained by a party in this proceeding may also be requested by that party in a subsequent

Commission proceeding, subject to the terms of any protective order governing that subsequent proceeding, without constituting a violation of this order.

8. Maintaining Confidentiality of Protected Materials. Each Reviewing Representative shall treat Protected Materials as confidential in accordance with this Protective Order and the Non-Disclosure Certificate executed pursuant to Paragraph 6 and 7 hereof. Protected Materials shall not be used except as necessary for the resolution of the advice letter filing, and shall not be disclosed in any manner to any person except (i) Reviewing Representatives who have executed Non-Disclosure Certificates; (ii) Reviewing Representatives' paralegal employees and administrative personnel, such as clerks, secretaries, and word processors, to the extent necessary to assist the Reviewing Representatives, provided that they shall first ensure that such personnel are familiar with the terms of this Protective Order, and have signed a Non-Disclosure Certificate, (iii) persons employed by or working on behalf of the CEC or other state governmental agencies covered by Paragraph 12. Reviewing Representatives shall adopt suitable measures to maintain the confidentiality of Protected Materials they have obtained pursuant to this Protective Order, and shall treat such Protected Materials in the same manner as they treat their own most highly confidential information. Reviewing Representatives shall be liable for any unauthorized disclosure or use by their paralegal employees or administrative staff. In the event any Reviewing Representative is requested or required by applicable laws or regulations, or in the course of administrative or judicial proceedings (in response to oral questions, interrogatories, requests for information or documents, subpoena, civil investigative demand or similar process) to disclose any of Protected Materials, the Reviewing Representative shall oppose disclosure on the grounds that the requested information has already been designated by the Commission as Protected Materials subject to this Protective Order lawfully issued by the Commission and therefore may not be disclosed. The Reviewing Representative shall also immediately inform the Disclosing Party of the request, and such party may, at its sole discretion and cost, direct any challenge or defense against the disclosure requirement, and the Reviewing Representative shall cooperate in good faith with such party either to oppose the

disclosure of the Protected Materials consistent with applicable law, or to obtain confidential treatment of them by the person or entity who wishes to receive them prior to any such disclosure. If there are multiple requests for substantially similar Protected Materials in the same case or proceeding where a Reviewing Representative has been ordered to produce certain specific Protected Materials, the Reviewing Representative may, upon request for substantially similar materials by another person or entity, respond in a manner consistent with that order to those substantially similar requests.

9. Non-Disclosure Certificates. A Reviewing Representative shall not inspect, participate in discussions regarding, or otherwise be granted access to, Protected Materials unless and until he or she has first completed and executed a Non-Disclosure Certificate, attached hereto as Appendix A, and delivered the original, signed Non-Disclosure Certificate to the Disclosing Party. The Disclosing Party shall retain the executed Non-Disclosure Certificates pertaining to the Protected Materials it has disclosed and shall promptly provide copies of the Non-Disclosure Certificates to Commission Staff upon request.

10. Return or Destruction of Protected Materials. Protected Materials shall remain available to Reviewing Representatives until the later of the date that a letter or resolution resolving this advice letter becomes no longer subject to judicial review, or the date that any other Commission proceeding relating to the Protected Material is concluded and no longer subject to judicial review. If requested to do so in writing after that date, the Reviewing Representatives shall, within fifteen days of such request, return the Protected Materials (including Notes of Protected Materials) to the Participant that produced them, or shall destroy the materials, except that copies of filings, official transcripts and exhibits in this proceeding that contain Protected Materials, and Notes of Protected Material may be retained, if they are maintained in accordance with Paragraph 7. Within such time period each Reviewing Representative, if requested to do so, shall also submit to the Disclosing Party an affidavit stating that, to the best of its knowledge, all Protected Materials and all Notes of Protected Materials have been returned or have been destroyed or will be maintained in accordance with Paragraph 7.

To the extent Protected Materials are not returned or destroyed, they shall remain subject to the Protective Order, Section 583 of the California Public Utilities Code and CPUC General Order No. 66-C. In the event that a Reviewing Representative to whom Protected Material are disclosed ceases to be engaged to provide services in this proceeding, then access to such materials by that person shall be terminated. Even if no longer engaged in this proceeding and/or no longer eligible for Reviewing Representative status, every such person shall continue to be bound by the provisions of this Protective Order and the Non-Disclosure Certificate.

11. Access and Use by Governmental Entities.

(a) In the event the CPUC receives a request for a copy of or access to a party's Protected Materials from a state governmental agency that is authorized to enter into a written agreement sufficient to satisfy the requirements for maintaining confidentiality set forth in Government Code Section 6254.5(e), the CPUC may, not less than five (5) days after giving written notice to the Disclosing Party of the request, release such protected material to the requesting governmental agency, upon receiving from the requesting agency an executed Interagency Confidentiality Agreement. Such Interagency Confidentiality Agreement shall (i) provide that the agency will treat the requested Protected Materials as confidential in accordance with this Protective Order, (ii) include an explanation of the purpose for the agency's request, as well as an explanation of how the request relates to furtherance of the agency's functions, (iii) be signed by a person authorized to bind the agency contractually, and (iv) expressly state that furnishing of the requested Protected Materials to employees or representatives of the agency does not, by itself, make such Protected Materials public. In addition, the Interagency Confidentiality Agreement shall include an express acknowledgment of the CPUC's sole authority (subject to judicial review) to make the determination whether the Protected Materials should remain confidential or be disclosed to the public, notwithstanding any provision to the contrary in the statutes or regulations applicable to the agency..

12. CPRA Requests. If a request is made pursuant to the California Public Records Act ("CPRA"), Government Code sections 6250, *et seq.*, that a party's Protected Materials filed with

or otherwise in the possession of the CPUC be produced, the CPUC will notify such party of the CPRA request. The CPUC also will notify the requester that the Protected Materials are public records that have been filed with or submitted to the CPUC accompanied by a claim that they are confidential and/or that there is a public interest served by withholding the records. The CPUC will thereafter proceed to determine, pursuant to applicable law, whether the requested Protected Materials are excluded from public inspection. In the event the CPUC receives a request from a federal government agency or a judicial subpoena for the production of a party's Protected Materials in the CPUC's possession, the CPUC will also notify the Disclosing Party of such request. In the event that a PRA requester brings suit to compel disclosure of a party's Protected Materials, the CPUC will promptly notify the Disclosing Party of such suit, and Commission Staff and the Disclosing Party shall cooperate in opposing the suit.

13. Derivative Materials. There shall be a rebuttable presumption that (a) any study that incorporates, describes or otherwise employs Protected Materials in a manner that could reveal all of a part of such materials, or (b) any model that relies upon Protected Materials for algorithms or other computation(s) critical to the functioning of the model, are Protected Materials that are subject to Section 583 of the Public Utilities Code, the Commission's General Order 66-C, and this Protective Order. However, models that merely use Protected Materials as inputs will not themselves be considered Protected Materials. There shall also be a rebuttable presumption that where the inputs to studies or models include Protected Materials, or where the outputs of such studies or models reveal such inputs or can be processed to reveal such materials, such inputs and/or outputs shall be considered Protected Materials subject to this Protective Order, unless such inputs and/or outputs have been redacted or aggregated to the satisfaction of the Disclosing Party. Unless a party, by means of notice and motion, obtains a ruling from the Assigned ALJ or the Law and Motion ALJ holding that the applicable presumption(s) from among the foregoing has been rebutted with respect to the model or study at issue, then any party who devises or propounds a model or study that incorporates, uses or is based upon such

materials shall label the model or study “Protected Materials,” and it shall be subject to the terms of this Protective Order.

14. Dispute Resolution. All disputes that arise under this Protective Order, including but not limited to alleged violations of this Protective Order and disputes concerning whether materials were properly designated as Protected Materials, shall be presented for resolution to the Assigned ALJ or the Law and Motion ALJ. Prior to presenting any such dispute to the applicable ALJ, the parties to the dispute shall use their best efforts to resolve it. The parties and Commission Staff reserve the right to seek additional administrative or judicial remedies after the Assigned ALJ or the Law and Motion ALJ has made a ruling regarding the dispute.

15. Other Objections to Use or Disclosure. Nothing in this Protective Order shall be construed as limiting the right of a party, the Commission Staff, or a state governmental agency from objecting to the use or disclosure of Protected Material on any legal ground, such as relevance or privilege.

16. Remedies. Any violation of this Protective Order shall constitute a violation of an order of the CPUC. Notwithstanding the foregoing, the parties and Commission Staff reserve their rights to pursue any legal or equitable remedies that may be available in the event of an actual or anticipated disclosure of Protected Materials.

17. Withdrawal of Designation. A Disclosing Party may agree at any time to remove the “Protected Materials” designation from any materials of such party if, in its opinion, confidentiality protection is no longer required. In such a case, the Disclosing Party will notify all other parties that the Disclosing Party believes are in possession of such materials of the change of designation.

18. Interpretation. Titles are for convenience only and may not be used to restrict the scope of this Protective Order.

Entered: _____
Administrative Law Judge

Date: _____

APPENDIX A TO PROTECTIVE ORDER

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

2009 First Quarter Report of Southern)
California Edison Company for Competitive) Advice 68
Local Exchange Projects- Additional)
Construction Projects)

NON-DISCLOSURE CERTIFICATE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials, any notes or other memoranda, or any other form of information that copies or discloses Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this certificate constitutes a violation of an order of California Public Utilities Commission.

By: _____
Title: _____
Representing: _____
Date: _____