

Application for Confidential Designation  
and  
Declaration in Support

I, Allen Berreth, declare and state:

1. I have primary responsibility for overseeing and reviewing PacifiCorp's Q3 2023 Quarterly Data Report being submitted to the Office of Energy Infrastructure Safety (OEIS). I am authorized to request confidential treatment via this certification on behalf of PacifiCorp.
2. Under California Code of Regulations Title 14, Division 17, Chapter 1, Article 3, § 29200(d), PacifiCorp requests that sections of the submission titled PacifiCorp's Quarterly Data Report ("QDR") be granted a "confidential designation" by the Office of Energy Infrastructure Safety, because the Office is authorized to and should withhold the information from public disclosure.
3. Redactions. The proscribed format for the QDR requires that PacifiCorp provide certain GIS data. Thus, traditional redactions are not applicable. PacifiCorp has designated the sections of the GIS data which should receive a confidential designation by marking "Yes" in the column for confidential treatment on the QDR spreadsheet submission required by the Office.
4. Statutory Basis. In making this request for confidential designation, PacifiCorp relies upon Section 7922.000 of the California Government Code in making this request, because, in context with the unique type of GIS data at issue in this particular request, "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." CA GOVT § 7922.000.

For the sections containing **customer information**, PacifiCorp additionally points to Section 7927.4100 of the California Government Code. For all of the reasons that the customer information of a customer of local agency is exempt from disclosure, the customer information submitted to a state agency by an investor-owned utility should not be disclosed. Moreover, customer information reflecting private medical information of customers clearly should not be disclosed, because there is a strong public interest in maintaining the confidentiality of such information. See CA GOVT § 7926.000 through CA GOVT § 7926.500 generally for specific exemptions reflecting the overall legislative intent to protect against the disclosure of private individual health records.

For the sections containing **critical electrical infrastructure information**, PacifiCorp points to the general confidential treatment of critical infrastructure information. In balancing the public interest under § 7922.000, the definition and treatment of “critical infrastructure information” in other laws treating such information as highly sensitive and confidential, because of the public safety implications, helps inform why the type of GIS information described below should be treated with a confidential designation. *See, e.g.*, CA GOVT § 7929.205 (exempting from disclosure requirements critical infrastructure information voluntarily submitted to the office of Emergency Services); 6 U.S.C.A. § 671(3) (defining critical infrastructure information); 6 C.F.R. § 29.2(g) (defining Protected Critical Infrastructure Information); 18 C.F.R. § 388.113 (reflecting treatment of critical infrastructure information by the Federal Energy Regulatory Commission). Above all, the express treatment of critical infrastructure information submitted to the Office of Emergency Management, in CA GOVT § 7929.205, reflects specific legislative intent to treat this type of information as confidential, and the balancing of public interest in § 7922.000 should reach a similar outcome in the specific application of GIS information submitted to OEIS, for the reasons explained in paragraph 5. In short, not disclosing sensitive critical infrastructure information, which could be used by bad actors to hurt or destroy critical infrastructure, is in the public interest and outweighs the minimal public benefit served by disclosure of such type of information.<sup>1</sup>

5. Reasons Why Each Exemption Claimed Applies to the Information. The sections of the QDR for which confidential designation is requested is based on two types of exemptions, and the reasons for why an exemption applies is explained in reference to each category.

**Customer Information.** The PSPS Line and Polygon Feature Classes contain location specific information regarding medical baseline customers, which is considered highly sensitive and confidential customer data. Because of the private health considerations of those customers, this information is the most confidential. The Customer Meter and PSPS Event Customer Meter Point feature classes also contain location specific customer information. While specific names or medical information is not included, bad actors could use this information to inflict maximum damage to certain customers or negatively impact the community. Recent substation attacks in the state of Washington that left thousands without power were carried out by individuals who wanted to disrupt power in an area to commit burglary. The type of customer meter information

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<sup>1</sup> While not controlling, this is also the basic framework employed by the California Public Utilities Commission. *See* Decision 20-08-031 at 13 (pointing to the balancing of public interest, as contemplated in what is now § 7922.000, as the ultimate statutory basis for treating critical infrastructure information submitted to it as confidential).

included in the QDR could facilitate this type of targeted attack against certain customers. The public interest served by protecting the critical infrastructure information from disclosure therefore outweighs the public interest served by disclosing it. (CA. GOVT § 7922.000.)

**Critical Electrical Infrastructure Information.** Critical Facilities are defined by the CPUC as those facilities “that are essential to the public safety and that require additional assistance and advance planning to ensure resiliency during de-energization events,” and PacifiCorp integrates that definition here. As the name implies, these facilities are critical to the health and safety of the community being served. To protect public safety, this data should be exempt from disclosure.

The Critical Facilities Feature Class contains location specific information regarding critical facilities that could be taken advantage of by a party that intends to do harm to the communities served by PacifiCorp. Knowledge of how a particular critical facility is connected to the electrical grid can be used by a bad actor to facilitate an attack on that critical facility. For example, a bad actor can design an attack to maximize damage on critical facilities using this type of information. As another example, with such information, a bad actor could specifically target vulnerable points in a manner intended to both cripple the critical facility and yet still divert law enforcement to areas away from the critical facility.

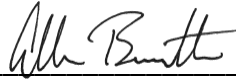
While many of the feature classes such as Transmission Lines, Distribution Lines, or Substations do not initially seem confidential because they exist in the public space, the specific GIS data schema includes attributes that, when combined and aggregated, make this data confidential. For example, attributes nested within the Primary Distribution Line Feature Class include operating voltages, substation IDs, conductor types, downstream customer counts, and conductor materials. This information, when aggregated, provides insight into the interconnectedness of assets and flow of electricity that a bad actor could use to maximize the harm of an attack on the community. Public disclosure of this aggregate data electronically significantly increases the vulnerability of the system to an attack which could have negative impacts to public safety.

Finally, many of the feature classes, such as Switchgear and Transformer Detail, contain equipment specific information like manufacturer, model, and age that would provide a potential attacker with additional insight into exactly how the equipment works to reveal otherwise undetectable vulnerabilities.

The public interest served by protecting the critical infrastructure information from disclosure therefore outweighs the public interest served by disclosing it. (CA. GOVT § 7922.000.)

See also the attached “QDR Confidentiality Summary” for addition detail. Because of the way that the QDR and associated GIS data is organized, this summary has an item specific explanation regarding the basis for confidentiality related to the type of GIS data at issue.

6. Length of Time. PacifiCorp requests that the designated sections of the QDR always be kept confidential. The designated sections involve descriptions of permanent infrastructure.
7. Trade Secret and/or Loss of Competitive Advantage. N/A (PacifiCorp does not assert that a confidential designation should be made on this basis.)
8. Certification: I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge, and I am authorized to make the application and certification on behalf of PacifiCorp.



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