

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

Application of Pacific Gas and Electric
Company for Expedited Approval Of The
Amended Power Purchase Agreement For
The Russell City Energy Company Project

(U 39 E)

Application 08-09-007
(Filed September 10, 2008)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
FOR LEAVE TO FILE CONFIDENTIAL PORTIONS OF JOINT PETITION OF
PACIFIC GAS AND ELECTRIC COMPANY, RUSSELL CITY ENERGY COMPANY,
LLC, DIVISION OF RATEPAYER ADVOCATES, CALIFORNIA UNIONS FOR
RELIABLE ENERGY, AND THE UTILITY REFORM NETWORK FOR
MODIFICATION OF DECISION 09-04-010, AS MODIFIED BY DECISION 10-02-033**

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April 15, 2010

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I. SUMMARY OF RELIEF REQUESTED

Pursuant to Rule 11.4 of this Commission's Rules of Practice and Procedure, Law and Motion Resolution ALJ-164, Decision 06-06-066, Public Utilities Code Section 583 ("Section 583"), and General Order ("GO") 66-C, Pacific Gas and Electric Company ("PG&E") files this motion for leave to file confidential information under seal. The material PG&E seeks to protect is included in the confidential, unredacted version of Joint Petition of Pacific Gas and Electric Company, Russell City Energy Company, LLC, Division of Ratepayers Advocates, California Unions For Reliable Energy, and The Utility Reform Network for Modification of Decision 09-04-010, as Modified by Decision 10-02-033 ("Joint Petition") in the above-captioned proceeding.

II. THE MATERIALS PG&E SEEKS TO FILE UNDER SEAL ARE PROTECTED UNDER CONFIDENTIALITY RULES THE COMMISSION ESTABLISHED IN DECISION 06-06-066, PUBLIC UTILITIES CODE SECTION 583, GO 66-C

In Decision 06-06-066, the Commission adopted rules and procedures governing the submission of confidential electric procurement information to the Commission. In a Matrix, attached to the Decision, the Commission established specific rules for Investor-Owned Utilities

(“IOUs”) governing certain categories of data and information. Decision 08-04-023 requires that material formally filed with the Commission for which an IOU seeks confidential treatment must be accompanied by a Motion. In its Motion the IOU must establish:

- 1) that the material it is submitting constitutes a particular type of data listed in the Matrix;
- 2) which category or categories in the Matrix the data correspond to;
- 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.^{1/}

In addition, Section 583 provides that, “[n]o information furnished to the commission by 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 commissioner in the course of a hearing or proceeding.”

Finally, Paragraph 2.8 of GO 66-C provides that public records not open to public inspection include “[i]nformation obtained in confidence from other than a business regulated by this Commission where the disclosure would be against the public interest.”

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^{1/} D.06-06-066 at 80, Ordering Paragraph No. 2.

III. CONCLUSION

For all the reasons described above and in the attached table, PG&E requests that the Commission grant PG&E's request to file the confidential, unredacted version of the Joint Petition. As required by Rule 11.4(a), a Proposed Order granting this Motion is attached behind the table.

Respectfully submitted,

ALICE L. REID
CHARLES R. MIDDLEKAUFF

By: _____ /s/
ALICE L. REID

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PACIFIC GAS AND ELECTRIC COMPANY

April 15, 2010

CONFIDENTIAL MATRIX

**JOINT PETITION OF PACIFIC GAS AND ELECTRIC COMPANY, RUSSELL CITY ENERGY COMPANY, LLC,
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IDENTIFICATION OF CONFIDENTIAL INFORMATION

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 (Y/N)	2) Which category or categories in the Matrix the data correspond to:	3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
Document: Petition for Modification							
Appendix D, First Amendment to Second Amended and Restated Power Purchase and Sale Agreement	Y	Item VII.B – Contracts and Power Purchase Agreements Between Utilities and Non-Affiliated Third Parties (Except RPS)	Y	Y	Y	This appendix shows terms other than contract summary terms, which are terms other than counterparty, resource type, location, capacity, expected deliveries, delivery point, length of contract and online date, which are confidential for three years from date contract states deliveries to begin, or until one year following expiration, whichever comes first under Item VII.B of the D.06-06-066 Matrix.	3 years
Appendix C, Summary of Amended Terms and Conditions	Y	Item VII.B – Contracts and Power Purchase Agreements Between Utilities and Non-Affiliated Third Parties (Except RPS)	Y	Y	Y	This appendix shows terms other than contract summary terms, which are terms other than counterparty, resource type, location, capacity, expected deliveries, delivery point, length of contract and online date, which are confidential for three years from date contract states deliveries to begin, or until one year following expiration, whichever comes first under Item VII.B of the D.06-06-066 Matrix.	3 years
Appendix E, PG&E Declaration in Support of Joint Petition	Y	Item VIII.B – Specific Quantitative Analysis Involved in Scoring and Evaluation of Participating Bids	Y	Y	Y	This appendix shows evaluation information other than evaluation guidelines, which are confidential for three years after winning bidder is selected under Item VIII.B of the D.06-06-066 Matrix.	3 years

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 April 15, 2010**

IDENTIFICATION OF CONFIDENTIAL INFORMATION

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 (Y/N)	2) Which category or categories in the Matrix the data correspond to:	3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time

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[PROPOSED] RULING

In accordance with its Rules of Practice and Procedure, the California Public Utilities Commission (Commission) has considered the Motion of Pacific Gas and Electric Company (U 39 E), filed April 15, 2010 for leave to File Confidential Information Under Seal, namely certain information in the confidential, unredacted version of Joint Petition of Pacific Gas and Electric Company, Russell City Energy Company, LLC, Division of Ratepayers Advocates, California Unions For Reliable Energy, and The Utility Reform Network for Modification of Decision 09-04-010, as Modified by Decision 10-02-033 (“Joint Petition”) in the above-captioned proceeding.

The Commission rules as follows:

1. PG&E’s Motion for Leave to File Under Seal is granted. The protected materials in the confidential, unredacted version of the Joint Petition in the above-captioned proceeding are described in the table attached to the Motion of PG&E to File Under Seal.
2. The confidential, unredacted version of this information shall remain under seal, and shall not be made accessible or disclosed to anyone other than the Commission and its staff except on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

Dated _____, 2010 at San Francisco, California.

Administrative Law Judge

CERTIFICATE OF SERVICE
BY ELECTRONIC MAIL, U.S. MAIL, OR HAND DELIVERY

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 16th day of April, 2010, I caused to be served a true copy of:

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
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By Electronic Mail – by electronic mail on the official service lists for A08-09-007, who have provided an e-mail address.

By U.S. Mail – by U.S. mail on the official service lists for A08-09-007, who have not provided an e-mail address.

By hand delivery to the following:

Michael R. Peevey, President
California Public Utilities
Commission
505 Van Ness Avenue, Rm. 4004
San Francisco, CA 94102

ALJ Melanie Darling
California Public
Utilities Commission
505 Van Ness Avenue, Rm. 5118
San Francisco, CA 94102

Joseph P. Como
California Public Utilities
Commission
505 Van Ness Ave.
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Director, Energy Division
California Public
Utilities Commission
505 Van Ness Avenue, Rm. 4004
San Francisco, CA 94102

Harvey Morris
Legal Division
California Public
Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 16th day of April 2010.

/s/
SHARON E. MORTZ

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
EMAIL SERVICE LIST**

Last updated: April 15, 2010

CPUC DOCKET NO. A0809007

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