

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

Application of Pacific Gas and Electric
Company (U 39-E) for Approval of 2008
Long-Term Request for Offer Results and for
Adoption of Cost Recovery and Ratemaking
Mechanisms.

Application 09-09-021
(Filed September 30, 2009)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN SUPPORT OF
PETITION FOR MODIFICATION OF DECISION 10-07-045**

CHARLES R. MIDDLEKAUFF
MARY A. GANDESBERY

Pacific Gas and Electric Company
P.O. Box 7442
San Francisco, CA 94120
Telephone: (415) 973-6971
Facsimile: (415) 973-5520
E-mail: CRMd@pge.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

August 23, 2010

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Pursuant to Rule 11.4 of this Commission's Rules of Practice and Procedure and Decisions ("D.") 06-06-066 and 08-04-023 governing confidentiality procedures, Pacific Gas and Electric Company ("PG&E") files this motion for leave to file confidential electric procurement information and data under seal. The material PG&E seeks to protect is included in the confidential, unredacted version of the *Declaration of Marino Monardi In Support of Pacific Gas and Electric Company's Petition for Modification of Decision 10-07-045* ("Monardi Declaration") that is being filed concurrently with this Motion.

In D.06-06-066 and D.08-04-023, the Commission adopted rules and procedures governing the submission of confidential electric procurement information to the Commission. In a Matrix, attached to D.06-06-066 as Appendix 1 (the "IOU Matrix"), the Commission established specific rules for Investor-Owned Utilities ("IOUs") governing the confidentiality of certain categories of data and information. D.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 IOU Matrix;
- 2) the category or categories in the IOU Matrix to which the data correspond;
- 3) that the IOU is complying with the limitations on confidentiality specified in the IOU 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/}

Attached hereto and incorporated herein by this reference is a matrix identifying the material for which PG&E is seeking confidential treatment. The matrix specifies that the material PG&E is seeking to protect constitutes the particular type of material listed in the IOU Matrix. The matrix also specifies the category or categories in the IOU Matrix to which the data and information corresponds, and why confidential protection is justified. Finally, the matrix specifies that: (1) PG&E is complying with the limitations specified in the IOU Matrix for that type of data or information; (2) the information is not already public; and (3) the data cannot be aggregated, redacted, summarized or otherwise protected in a way that allows partial disclosure. PG&E has redacted the portions of the Monardi Declaration that contain confidential information, and is filing the unredacted, confidential version under seal.

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

For all the reasons described above and in the attached matrix, PG&E requests that the Commission grant PG&E's motion to file the confidential, unredacted version of the Monardi Declaration under seal. As required by Rule 11.4(a), a proposed order granting this Motion is attached behind the matrix.

Respectfully submitted,

CHARLES R. MIDDLEKAUFF
MARY A. GANDESBERY

By: _____ /s/
CHARLES R. MIDDLEKAUFF

Pacific Gas and Electric Company
P.O. Box 7442
San Francisco, CA 94120
Telephone: (415) 973-6971
Facsimile: (415) 973-5520
E-mail: CRMd@pge.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: August 23, 2010

**DECLARATION OF MARINO MONARDI IN SUPPORT OF PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
 PETITION FOR MODIFICATION OF DECISION 10-07-045
 August 23, 2010**

IDENTIFICATION OF CONFIDENTIAL INFORMATION

Redaction Reference	1) The material submitted constitutes 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 (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
Document: Monardi Declaration							
Monardi Declaration Paragraph 4	Y	Item VII B) Contract and Power Purchase Agreements between utilities and non-affiliated third parties (except RPS)	Y	Y	Y	This paragraph describes one of the confidential contract provisions included in the amendment to the Purchase and Sale Agreement ("PSA") between PG&E and Contra Costa Generating Station LLC ("Contra Costa LLC").	Three years
Monardi Declaration Exhibit A	Y	Item VII B) Contract and Power Purchase Agreements between utilities and non-affiliated third parties (except RPS)	Y	Y	Y	This exhibit attaches an amendment to the PSA between PG&E and Contra Costa LLC. The terms of the amendment are confidential.	Three years

**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

R.10-05-006

[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 (“PG&E”), filed August 23, 2010, for leave to file confidential materials under seal, namely certain information in the confidential, unredacted version of the *Declaration of Marino Monardi In Support of Pacific Gas and Electric Company’s Petition for Modification of Decision 10-07-045* (“Monardi Declaration”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of the Monardi Declaration are described in the matrix attached to the Motion.
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 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

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.

On the 23rd day of August 2010, I caused to be served a true copy of:

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN SUPPORT OF
PETITION FOR MODIFICATION OF DECISION 10-07-045**

[XX] By Electronic Mail – serving the above via e-mail transmission to each of the parties listed on the official service list for A.09-09-021.

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 this 23rd day of August 2010 at San Francisco, California.

/s/
STEPHANIE LOUIE