

**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)

A.08-09-007  
(Filed September 10, 2008)

**MOTION OF CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE) FOR  
LEAVE TO FILE CONFIDENTIAL MATERIAL CITED IN REPLY COMMENTS  
UNDER SEAL CONSISTENT WITH THE CONFIDENTIALITY PROTECTIONS OF  
DECISIONS 06-06-066 AND 08-04-023**

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, CALifornians for Renewable Energy, Inc. (“CARE”) file this motion for leave to file confidential electric procurement information and data under seal. The material the Parties seek to protect is included in the confidential, unredacted versions of the Reply Comments<sup>1</sup> of CARE 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 a Party seeks confidential treatment must be accompanied by a Motion. In its Motion the Party must establish:

- 1) that the material it is submitting constitutes a particular type of data listed in the Matrix;
- 2) the category or categories in the Matrix to which the data correspond;
- 3) that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data;

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<sup>1</sup> The Public Version of the Reply Comments was submitted on 8/13/2010 with confirmation number 0000034708.

- 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.<sup>2</sup>

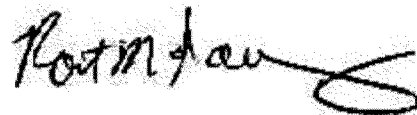
Material Requiring Confidential Treatment:

The accompanying Reply Comments contains confidential information protected from disclosure by D.06-06-066. The information in the Reply Comments contains the confidential market information on the terms and conditions of the Amended PPA for the RCEC Project when compared with bids in PG&E's 2008 LTRFO. This data should be maintained as confidential for three years after the winning bidders are selected pursuant to the matrix attached to D.06-06-066 in that:

1. the data is listed in the matrix
2. the category of the confidential data in the matrix is at page 18, Item VIII (Competitive Solicitation Bidding Information – Electric). The information is the market valuation of the bids, which is PG&E's quantitative analysis involving scoring and evaluation of participating bids.
3. CARE is complying with the limitations on confidentiality specified in the Matrix for that type of data;
4. the information is not already public; and
5. the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

For all the reasons described above, CARE requests that the Commission grant this Motion. As required by Rule 11.4(a), a proposed order granting this Motion is attached.

Respectfully submitted,



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Robert M. Sarvey  
501 W. Grantline Rd  
Tracy, Ca. 95375

August 13<sup>th</sup>, 2010

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<sup>2</sup> D.06-06-066, mimeo p. 80, Ordering Paragraph No. 2.

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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 CALifornians for Renewable Energy, Inc. (“CARE”) filed August 13, 2010, for leave to file confidential materials under seal, namely certain information in the confidential, unredacted version of *Reply Comments of CALifornians for Renewable Energy, Inc. (“CARE”)*.

The Commission rules as follows:

1. The Party’s Motion is granted. The protected materials in the confidential, unredacted version of *Reply Comments of CALifornians for Renewable Energy, Inc. (“CARE”)* are described in 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.

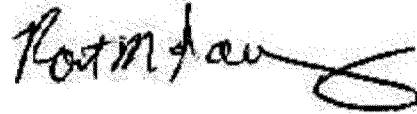
\_\_\_\_\_  
Administrative Law Judge

**Verification**

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13<sup>th</sup> day of August 2010, at Tracy, California.



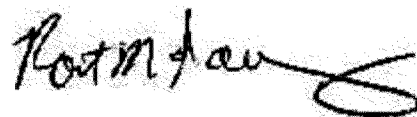
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**Certificate of Service**

I hereby certify that I have this day served the foregoing document "*CALifornians for Renewable Energy, Inc. (CARE) Motion to File Reply Comments under seal consistent with the confidentiality protections of Decisions 06-06-066 and 08-04-023*" under CPUC Docket Application 08-09-007. Each person designated on the official service list, has been provided a copy via e-mail, to all persons on the attached service list on August 10, 2010, for the proceeding Application 08-09-007, transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13<sup>th</sup> day of August 2010, at Tracy, California.



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