

From: Simon, Sean A.  
Sent: 10/12/2010 11:47:52 AM  
To: Redacted  
Cc: Allen, Meredith (/O=PG&E/OU=Corporate/cn=Recipients/cn=MEAe)  
Bcc:  
Subject: RE: AL 3658-E\_El Dorado Hydro

David,

Thanks for highlighting this information from the advice letter and PPA.

As I mentioned below, EID has publically disclosed information about the expected revenue EID may receive under its PPA with PG&E. See excerpt and link below. **Because this information is in the public domain and the expected generation from the facility is public, it's not clear that the Commission's confidentiality rules apply to the total expected costs of the PPA or the contract price.** For example, any member of the public can simply divide the expected revenues by the expected generation, both public data, to find an approximate \$/MWh contract price.

In the declaration seeking confidential treatment, PG&E asserts that its confidentiality request complies with the IOU Matrix of D.06-06-066, which in part allows for confidential protection where "the information is not already public." **In light of the revenue information made public by EID, does PG&E intend to modify or waive its declaration seeking confidential treatment filed with AL 3658-E?**

From April 12, 2010 EID Board Meeting, see Agenda page 6 at [http://www.eid.org/doc\\_lib/01\\_board/packets/2010/20100412\\_p.pdf](http://www.eid.org/doc_lib/01_board/packets/2010/20100412_p.pdf)

The General Manager executed a Power Purchase Agreement (PPA) with Pacific Gas and Electric Company (PG&E) on March 29, 2010 for the sale of electricity produced from the EI Dorado, PERC Project No. 184. The District anticipates that initial energy will be delivered to PG&E in May of this year after the energy Scheduling Coordinator duties are transferred from the Automated Power Exchange to PG&E. PG&E is preparing the advice letter to the California Public Utilities Commission (CPUC) with the filing date expected to be April 27th. Summarized below are significant aspects of the PP A.

*Contract Duration:* The contract will begin May 2010 and end May 2021.

**Revenue:** Annual estimated revenue projections of \$6,000,000 to \$10,000,000 (depending on water year type) remain unchanged from those presented in the January 25,2010 Agenda Item.

Regards,  
Sean

Sean A. Simon | Energy Division - Analyst | CA Public Utilities Commission | Tel (415) 703-3791

<http://www.cpuc.ca.gov/renewables>

**Confidentiality Notice:** The information contained in this e-mail is intended only for the use of the individual or entity to which it is addressed and it may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us by telephone call at the number listed above.

**From:** Redacted  
**Sent:** Tuesday, October 12, 2010 8:42 AM  
**To:** Simon, Sean A.  
**Cc:** Allen, Meredith  
**Subject:** Re: AL 3658-E\_El Dorado Hydro

Sean:

The contract is not in the public domain, but is subject to disclosure under the Brown Act and the California Public Records Act. We have noted this in both the PPA and in the public portion of the advice filing. We expect that the contract price may ultimately become public, but at this time it is not.

Here is the language from the PPA and the public portion of the AL:

From the PPA: 10.7 (d)

The parties understand and acknowledge that Seller is a local public agency subject to the requirements of the California Public Records Act. To the fullest extent permissible by Law, Seller will protect all non-public terms or conditions of this Agreement, as identified by Buyer pursuant to Section 10.7(a), from public disclosure. Notwithstanding the foregoing, however, the parties understand and acknowledge that Seller may be legally required by a court of competent jurisdiction to disclose some or all such non-public terms or conditions of this Agreement pursuant to the California Public Records Act.

From the public portion of the advice letter:

A. Request for Confidential Treatment

In support of this Advice Letter, PG&E has provided the following confidential information, including the PPA and other information that more specifically describes the rights and obligations of the parties. This information is being submitted in the manner directed by D.08-04-023 and the August 22, 2006 Administrative Law Judge's Ruling Clarifying Interim Procedures for Complying with D.06-06-066 to demonstrate the confidentiality of the material and to invoke the protection of confidential utility information provided under either the terms of the IOU Matrix, Appendix 1 of D.06-06-066 and Appendix C of D.08-04-023, or General Order 66-C. A separate Declaration Seeking Confidential Treatment is being filed concurrently with this Advice Letter. EID is a public agency, and thus some of this information may become the subject of public requests for disclosure under the Brown Act and/or the California Public Records Act at a subsequent time. PG&E's request for confidential treatment of this information is appropriate, however, as this information has not been publicly disclosed at this time, and EID has committed to defend against public disclosure where appropriate.

**From:** Simon, Sean A. <sean.simon@cpuc.ca.gov>  
**To:** [Redacted]  
**Cc:** Allen, Meredith  
**Sent:** Mon Oct 11 16:30:27 2010  
**Subject:** RE: AL 3658-E\_EI Dorado Hydro

David,

Can you tell me if the contract, per se, or price information from the contract is in the public realm since I understand that an irrigation district board votes on power contracts and often disclose price. I did find the expected annual revenues from the PPA publically, so it looks like that information may be included in the draft resolution.

Regards,  
Sean

Sean A. Simon | Energy Division - Analyst | CA Public Utilities Commission | Tel (415) 703-3791

<http://www.cpuc.ca.gov/renewables>

**Confidentiality Notice:** The information contained in this e-mail is intended only for the use of the individual or entity to which it is addressed and it may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us by telephone call at the number listed above.

**From:** [Redacted]  
**Sent:** Monday, October 11, 2010 3:02 PM  
**To:** Simon, Sean A.  
**Cc:** Allen, Meredith  
**Subject:** RE: AL 3658-E\_EI Dorado Hydro

Sean:

It looks like this was an oversight on our part. It is fine if you want to include that information in the public version of the advice letter. Let me know if you need us to draft some language for you to add into the resolution.

Thanks,  
David

**From:** Simon, Sean A. [mailto:sean.simon@cpuc.ca.gov]  
**Sent:** Monday, October 11, 2010 12:46 PM  
**To:** [Redacted]  
**Cc:** Allen, Meredith  
**Subject:** RE: AL 3658-E\_EI Dorado Hydro

David,

Where is the true up discussed in the public advice letter?

Regards,  
Sean

Sean A. Simon | Energy Division - Analyst | CA Public Utilities Commission | Tel (415) 703-3791

<http://www.cpuc.ca.gov/renewables>

**Confidentiality Notice:** The information contained in this e-mail is intended only for the use of the individual or entity to which it is addressed and it may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us by telephone call at the number listed above.

**From:** [Redacted]  
**Sent:** Monday, October 11, 2010 11:36 AM  
**To:** Simon, Sean A.  
**Cc:** Allen, Meredith  
**Subject:** RE: AL 3658-E\_EI Dorado Hydro

Sean:

This language was referring to a short term deal with Sempra. At the time of filing this deal was still current, but shortly after filing EID ended the short term contract and began selling exclusively to us. We have been purchasing at the brown price and once the contract is approved we will true-up for the green attributes. We should have made the advice letter more clear that this deal was taking over the current short term deal with Sempra.

Any insight as to what CPUC meeting date this one will make?

Thanks,  
David

**From:** Simon, Sean A. [mailto:sean.simon@cpuc.ca.gov]  
**Sent:** Monday, October 11, 2010 11:22 AM  
**To:** [Redacted]  
**Cc:** Allen, Meredith  
**Subject:** AL 3658-E\_EI Dorado Hydro

David,

AL 3658-E states that "EID is currently selling energy at day-ahead pricing under a short term contract" but does not specify whether the short term contract is with PG&E or not. Can you please clarify?

Regards,  
Sean

Sean A. Simon | Energy Division - Analyst | CA Public Utilities Commission | Tel (415) 703-3791

<http://www.cpuc.ca.gov/renewables>

**Confidentiality Notice:** The information contained in this e-mail is intended only for the use of the individual or

entity to which it is addressed and it may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us by telephone call at the number listed above.