

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

**Application of Pacific Gas and Electric  
Company for Approval of Three Power  
Purchase Agreement Amendments With  
Existing Qualifying Facilities and  
Associated Cost Recovery.**

**U 39 E**

**Application No. 11-01-023**

**MOTION OF  
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)  
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL  
UNDER SEAL IN SUPPORT OF ITS  
AMENDED APPLICATION FOR APPROVAL OF  
THREE POWER PURCHASE AGREEMENT AMENDMENTS  
WITH EXISTING QUALIFYING FACILITIES**

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Attorneys for  
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DATED: March 21, 2011

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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 D.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. PG&E seeks to protect the Confidential Amended Declaration of Hugh M. Merriam ("Merriam Declaration") attached as Appendix A to the Application.

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.<sup>1</sup>

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.

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<sup>1</sup> D.06-06-066, at 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 under seal the Merriam Declaration attached as Appendix A to the Amendment to the Application. As required by Rule 11.4(a), a proposed Order granting this Motion is attached behind the matrix.

DATED: March 21, 2011

Respectfully submitted,

**PACIFIC GAS AND ELECTRIC COMPANY**

BY: \_\_\_\_\_ /S/ \_\_\_\_\_  
**EVELYN C. LEE**

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## ATTACHMENT A

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
<b>Document: Appendix A, Declaration of Hugh Merriam</b>							
<b>Appendix A, Declaration of Hugh Merriam</b>	Y	Item VII.B (Contracts and Power Purchase Agreements between utilities and non-Affiliated Third Parties (except RPS))	Y	Y	Y	The Merriam Declaration describes in detail the terms and conditions of the Amendments to existing QF contracts between PG&E and Yuba City Cogen Partners, KES-Kingsburg LP, and Calpine Greenleaf Inc.	Three years from the start of deliveries by the last Seller to begin performance under the Amended Power Purchase Agreements

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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 (“PG&E”), filed January 28, 2011, for leave to file confidential materials under seal (“Motion”), specifically: (1) Appendix A -- the Declaration of Hugh Merriam (“Merriam Declaration”), which describes the terms of the proposed Power Purchase Agreements (“PPAs”) between PG&E and Yuba City Cogen Partners L.P., KES-Kingsburg L.P., and Calpine Greenleaf Inc. and the specific quantification of customer benefits associated with the aforementioned PPAs; (2) Appendix B -- the PPA between PG&E and Yuba City Cogen Partners L.P.; (3) Appendix C -- the PPA between PG&E and KES-Kingsburg L.P.; and (4) Appendix D -- the PPA between PG&E and Calpine Greenleaf Inc.. The Commission rules as follows:

1. PG&E’s Motion is granted.
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 \_\_\_\_\_, 2011 at San Francisco, California.

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**Administrative Law Judge**

**CERTIFICATE OF SERVICE  
BY ELECTRONIC MAIL OR U.S. 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.

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 March 21<sup>ST</sup>, 2011, I caused to be served a true copy of:

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[XX] By Electronic Mail – serving the above via e-mail transmission to each of the parties listed on the official service list for A.08-11-001, R.06-02-013, R.04-04-003, R.04-04-025, R.99-11-022 with an e-mail address.

[XX] By U.S. Mail – by placing the above for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for A.08-11-001, R.06-02-013, R.04-04-003, R.04-04-025, R.99-11-022 without an e-mail address.

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 21<sup>ST</sup> day of March, 2011 at San Francisco, California.

\_\_\_\_\_  
/S/  
**ELIZABETH J. DIAMOND**