

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

Order Instituting Rulemaking to Continue
Implementation and Administration of California
Renewables Portfolio Standard Program.

Rulemaking 11-05-005
(Filed May 5, 2011)

**MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY
(U 902 E) FOR LEAVE TO FILE A PORTION
OF WRITTEN *EX PARTE* COMMUNICATION UNDER SEAL**

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June 3, 2011

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Pursuant to Rule 11.4 of Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and Decision (“D.”) 06-06-066, *et seq.*, San Diego Gas & Electric Company (“SDG&E”) respectfully submits this motion for leave to file under seal certain information set forth in a written *ex parte* communication that occurred May 31, 2011. The *ex parte* communication is described in the *Notice of Ex Parte Communication* filed concurrently herewith.

In D.06-06-066, the Commission adopted rules governing confidentiality of certain categories of electric procurement data submitted to the Commission by investor owned utilities (“IOUs”) and energy service providers (“ESPs”). The Commission established two matrices – one applicable to IOUs, the other to ESPs – setting forth categories and sub-categories of data and providing a confidentiality designation for each.^{1/} To the extent information matches a Matrix category, it is entitled to the protection the Matrix provides for that category of information. In addition, the Commission has made clear that information must be protected where “it matches a

^{1/} See, D.06-06-066, as amended by D.07-05-032, *mimeo*, Appendices 1 and 2.

Matrix category exactly . . . or consists of information from which that information may be easily derived.”^{2/} In order to claim the protection afforded by the relevant Matrix, the party seeking confidential treatment 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.^{3/}

As directed by the Commission, SDG&E demonstrates in table form below that the instant confidentiality request satisfies the requirements of D.06-06-066:^{4/}

Data at issue	D.06-06-066 Matrix Requirements	How moving party meets requirements
Slide 5 of SDG&E presentation on renewable energy portfolio	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This data SDG&E seeks to protect is a chart that sets forth pricing trend data. The chart links pricing data to specific contracts, which are identified by approximate contract execution date and online date. The chart also includes data regarding contracts not yet submitted for Commission approval. Since information regarding contract execution date and online date is public, disclosure of pricing

^{2/} See, *Administrative Law Judge’s Ruling on San Diego Gas & Electric Company’s April 3, 2007 Motion to File Data Under Seal*, issued May 4, 2007 in R.06-05-027, p. 2 (emphasis added).

^{3/} D.06-06-066, as amended by D.07-05-032, *mimeo*, p. 81, Ordering Paragraph 2.

^{4/} See, *Administrative Law Judge’s Ruling on San Diego Gas & Electric Company’s Motions to File Data Under Seal*, issued April 30 in R.06-05-027, p. 7, Ordering Paragraph 3 (“In all future filings, SDG&E shall include with any request for confidentiality a table that lists the five D.06-06-066 Matrix requirements, and explains how each item of data meets the matrix.”)

		information linked with this data would allow interested parties to easily calculate pricing information related to specific contracts.
	Identify the Matrix category or categories to which the data corresponds	This information constitutes pricing information protected under IOU Matrix category VII.G and VIII.A.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the information be kept confidential for three years.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	It would not be possible to fully protect the pricing data through aggregating, redacting, summarizing or masking it.

Accordingly, SDG&E moves this Commission for an order directing that the confidential information appearing in Slide 5 of the concurrently-filed May 31, 2011 *ex parte* presentation, which has been redacted in the public version, shall continue to remain under seal for a period of three years from the date relevant contract deliveries begin.

Respectfully submitted this 3rd day of June, 2011.

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PROPOSED ORDER

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

Order Instituting Rulemaking to Continue Implementation
and Administration of California Renewables Portfolio
Standard Program.

Rulemaking 08-08-009
(Filed: August 21, 2008)

ORDER

Pursuant to Rule 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and D.06-06-066, as amended, San Diego Gas & Electric Company (“SDG&E”) filed a motion on June 3, 2011 (the “Motion”) requesting authority to file and maintain certain confidential, commercially sensitive and proprietary information under seal. The Motion sought confidential treatment of specific information appearing in SDG&E’s concurrently-filed May 31, 2011 *ex parte* presentation.

The information for which confidential treatment is sought is protected under the IOU Matrix adopted in D.06-06-066. In addition, the information complies with the limitations on confidentiality specified in the IOU Matrix for that type of data and has not been made public. SDG&E has not publicly disclosed this information. The data cannot be aggregated, further redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Therefore, it is ordered that:

1. The confidential information contained in Slide 5 of SDG&E's concurrently-filed May 31, 2011 *ex parte* presentation shall remain sealed and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned Administrative Law Judge ("ALJ") or an ALJ designated to decide this motion;
2. Further proceedings, if any, held with respect to matters contained in the confidential information shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the materials described herein; and
3. All additional documentary evidence in this proceeding that addresses or relates to the subject matter of the confidential information must be treated in the confidential manner described in paragraphs 1 and 2, above.

Administrative Law Judge

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) FOR LEAVE TO FILE A PORTION OF WRITTEN *EX PARTE* COMMUNICATION UNDER SEAL** on all parties identified in Docket No. R.11-05-005 by U.S. mail and electronic mail, and by Federal Express to the assigned Commissioner(s) and Administrative Law Judge(s).

Dated at San Diego, California, this 3rd day of June, 2011.

/s/ JENIFER NICOLA
Jenifer Nicola