

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

Application of Pacific Gas and Electric
Company for Approval of the GWF
Transaction and Associated Cost Recovery.

(U 39 E)

Application 11-07-____

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN
APPLICATION UNDER SEAL CONSISTENT WITH THE
CONFIDENTIALITY PROTECTIONS OF DECISION 06-06-066,
PUBLIC UTILITIES CODE SECTION 583, AND GENERAL ORDER 66-C**

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July 21, 2011

**BEFORE THE
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I. SUMMARY OF RELIEF REQUESTED

Pursuant to Rule 11.4 of this Commission’s Rules of Practice and Procedure, Law and Motion Resolution ALJ-164, Decision (“D.”) 06-06-066, Public Utilities Code Section 583 (“Section 583”), and General Order (“GO”) 66-C, Pacific Gas and Electric Company (“PG&E”) files this motion for leave to file confidential information and data under seal. The material PG&E seeks to protect is included in the confidential, unredacted version of PG&E’s *Application for Approval of the GWF Transaction and Associated Cost Recovery* (“Application”) that PG&E is filing concurrently with this Motion and PG&E’s Testimony in Support of the GWF Transaction (“Initial Testimony”).

II. THE MATERIALS PG&E SEEKS TO FILE UNDER SEAL ARE PROTECTED UNDER CONFIDENTIALITY RULES THE COMMISSION ESTABLISHED IN D.06-06-066, SECTION 583, AND GO 66-C

In D.06-06-066, the Commission adopted rules and procedures governing the submission of confidential electric procurement information to the Commission. In a Matrix, attached to that decision, the Commission established specific rules for Investor-Owned Utilities (“IOUs”) governing 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 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.¹

In addition, Section 583 provides that, “[n]o information furnished to the commission by a public utility. . . except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or commissioner in the course of a hearing or proceeding.” Finally, Paragraphs 2.2 and 2.8 of GO 66-C provides that public records not open to public inspection include information which could put the IOU at a commercial disadvantage and “[i]nformation obtained in confidence from other than a business regulated by this Commission where the disclosure would be against the public interest.”

Attached hereto and incorporated herein by reference is a table that: (1) describes the material for which PG&E seeks confidential treatment; (2) states whether PG&E seeks confidentiality protection pursuant to D.06-06-066, Section 583, and/or GO 66-C; and (3) where PG&E seeks protection under D.06-06-066, the category or categories in the Matrix to which the data correspond. In the column labeled “PG&E’s Justification for Confidential Treatment,”

¹ D.06-06-066 at p. 80, Ordering Paragraph No. 2.

PG&E explains why the material should be protected. In addition, where PG&E relies upon D.06-06-066, the attached matrix indicates that: (1) it is complying with the limitations on confidentiality specified in the Matrix for that type of data; (2) the information is not already public; and (3) the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

III. CONCLUSION

For all the reasons described above and in the attached table, PG&E requests that the Commission grant PG&E's request to file the confidential, unredacted version of its Application under seal. As required by Rule 11.4(a), a Proposed Order granting this Motion is attached behind the table.

Respectfully submitted,

CHARLES R. MIDDLEKAUFF

By: /s/ Charles R. Middlekauff
CHARLES R. MIDDLEKAUFF

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PACIFIC GAS AND ELECTRIC COMPANY

Dated: July 21, 2011

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
APPLICATION FOR THE GWF TRANSACTION
July 21, 2011**

IDENTIFICATION OF CONFIDENTIAL INFORMATION

Redaction Reference	1) The material submitted constitutes a particular type of 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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
Document: Application							
Exhibit A Summary of Omnibus Agreement and Peaker PPAs		D.06-06-066, Section VII B; General Order ("G.O.") 66-C, Section 2	Y	Y	Y	This Exhibit summarizes the terms and conditions of the Omnibus Agreement and the Power Purchase Agreements ("PPAs") for the Hanford and Henrietta facilities ("Peaker PPAs"). The terms and conditions are commercially sensitive information and the release could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations. This Exhibit also includes information that GWF considers confidential.	3 years
Exhibit B Omnibus Agreement		D.06-06-066, Section VII B; G.O. 66-C, Section 2	Y	Y	Y	This Exhibit includes the Omnibus Agreement that contains the terms and conditions of the shutdown of GWF's five petroleum coke Qualifying Facilities and the termination of the existing Power Purchase Agreements ("PPAs"). The terms and conditions are commercially sensitive information and the release could cause harm to PG&E's customers and	3 years

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						put PG&E at an unfair business advantage by the disclosure of terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations. This Exhibit also includes information that GWF considers confidential.	
Exhibit C Hanford PPA		D.06-06-066, Section VII B; G.O. 66-C, Section 2	Y	Y	Y	This Exhibit contains the Hanford PPA. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of PPA terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations. This Exhibit also includes information that GWF considers confidential.	3 years
Exhibit D Henrietta PPA		D.06-06-066, Section VII B; G.O. 66-C, Section 2	Y	Y	Y	This Exhibit Henrietta PPA. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of PPA terms and conditions which could then be used by other market participants to obtain a commercial	3 years

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						advantage in contract negotiations. This Exhibit also includes information that GWF considers confidential.	
Document: Initial Testimony							
Redacted Portions of Testimony B.2 – “Description of the Qualifying Facility Power Purchase Agreements”	Y	G.O. 66-C, Section 2; D.06-06-066, Sections II.B.3 and VII.B	Y	Y	Y	This portion of PG&E's testimony describes forecasts of generation costs under the QF PPAs and terms and conditions of the QF PPAs. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations.	3 years
Redacted Portions of Testimony B.3 – “Viability of	Y	G.O. 66-C, Section 2; D.06-06-066, Section II.B.3	Y	Y	Y	This portion of PG&E's testimony describes forecasts of generation costs and payments under the QF PPAs as it relates to the viability of the QF PPAs. The release of this commercially sensitive	3 years

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Petroleum Coke Facilities"						information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of PPA terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations.	
Redacted Portions of Testimony B.4 – "Description of the Omnibus Agreement"	Y	G.O. 66-C, Section 2; D.06-06-066, Section VII B	Y	Y	Y	This portion of PG&E's testimony concerns the terms and conditions in the Omnibus Agreement. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of the terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations. This Exhibit also includes information that GWF considers confidential.	3 years
Redacted Portions of Testimony B.5 – "Description	Y	G.O. 66-C, Section 2; D.06-06-066, Section VII B	Y	Y	Y	This portion of PG&E's testimony concerns the payments and the terms and conditions in the Peaker PPAs. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by	3 years

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of the Peaker PPAs"						the disclosure of PPA terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations. This Exhibit also includes information that GWF considers confidential.	
Redacted Portions of Testimony C.1 – "The GWF Transaction is Reasonable and Beneficial -- Market Value"	Y	G.O. 66-C, Section 2; D.06-06-066, Sections II.B.3 and VIII.B	Y	Y	Y	This information reveals PG&E's analysis of potential market value, payments and the terms and conditions in the Peaker PPAs as well as the existing Qualifying Facility ("QF") PPAs. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of PPA terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations.	3 years
Redacted Portions of Testimony D.1 "Compliance with the Commission's		G.O. 66-C, Section 2; D.06-06-066, Section VIII.B	Y	Y	Y	This information reveals PG&E's analysis of potential capacity factors of the generating units in question in the proposed transaction with GWF Energy, LLC. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business	3 years

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GHG EPS and PG&E's GHG Reduction Strategy"						advantage by the disclosure of PPA terms and conditions which could then be used by other market participants	
Redacted Portions of Testimony E – "Timing for Commission Approval"	Y	G.O. 66-C, Section 2; D.06-06-066, Sections II.B.3 and VIII.B	Y	Y	Y	This information reveals PG&E's analysis of potential payments under the existing Qualifying Facility ("QF") PPAs. The release of this commercially sensitive information could cause harm to PG&E's customers and put PG&E at an unfair business advantage by the disclosure of PPA terms and conditions which could then be used by other market participants to obtain a commercial advantage in contract negotiations.	3 years

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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 for leave to File Confidential Material Under Seal, filed July 21, 2011 in this proceeding (“Motion”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of PG&E’s *Application for Approval Of GWF Transaction and Associated Cost Recovery* are described in the table attached to the Motion, as well as confidential materials in the Testimony in Support of the GWF Transaction (“Initial Testimony”).

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 and its 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

Administrative Law Judge

CERTIFICATE OF SERVICE
BY ELECTRONIC MAIL, U.S. MAIL, AND HAND DELIVERY

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 the 21st day of July, 2011, I caused to be served a true copy of:

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[XX] By Electronic Mail – by electronic mail on the official service list for R.10-05-006, who have provided an e-mail address.

[XX] By U.S. Mail – by U.S. mail on the official service list for R.10-05-006, who have not provided an e-mail address.

[XX] By hand delivery to the following:

Michael R. Peevey, President California Public Utilities Commission 505 Van Ness Avenue, Room 5218 San Francisco, CA 94102	Peter V. Allen, ALJ California Public Utilities Commission 505 Van Ness Avenue, Room 5130 San Francisco, CA 94102	Robert L. Strauss, Energy Division California Public Utilities Commission 505 Van Ness Avenue, Room 4A San Francisco, CA 94102
Carol A. Brown, Chief of Staff California Public Utilities Commission 505 Van Ness Avenue, Room 5215 San Francisco, CA 94102	Frank R. Lindh, General Counsel California Public Utilities Commission 505 Van Ness Avenue, Room 5138 San Francisco, CA 94102	Joseph P. Como, Acting Director Division of Ratepayer Advocates California Public Utilities Commission 505 Van Ness Avenue, Room 4101 San Francisco, CA 94102
Karen V. Clopton, Chief ALJ California Public Utilities Commission 505 Van Ness Avenue, Room 5118 San Francisco, CA 94102	Julie A. Fitch, Director Energy Division California Public Utilities Commission 505 Van Ness Avenue, Room 4004 San Francisco, CA 94102	Charlyn A. Hook, Legal Division California Public Utilities Commission 505 Van Ness Avenue, Room 5131 San Francisco, CA 94102

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 the 21st day of July, 2011.

/s/ Stephanie Louie
STEPHANIE LOUIE