

**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)

**CONFIDENTIALITY DECLARATION
FOR AUGUST 2011 SEMI-ANNUAL
RENEWABLES PORTFOLIO STANDARD COMPLIANCE REPORT
OF DIRECT ENERGY BUSINESS, LLC**

Direct Energy Business, LLC (hereinafter referred to as “ESP”) has caused the Renewables Portfolio Standard (“RPS”) compliance report which is the subject of this Confidentiality Declaration to be submitted to the Energy Division and the presiding administrative law judges for the above-captioned proceeding, pursuant to the RPS reporting requirements established in Decision No. (“D.”) 05-10-059 and the Energy Division’s most recent reporting instructions. In addition, ESP has caused a redacted (public) version of the subject report to be served on all parties of record to the above-captioned proceeding.

Certain information contained in the subject report, as specified in the table below, is eligible for confidential treatment under the provisions of D.06-06-066 and the Matrix of Allowed Confidential Treatment Energy Service Provider (ESP) Data (“ESP Matrix”) adopted therein (as modified by D. 08-04-023). The Commission is obligated to protect said confidential information so as to avoid material harm to ESP and its customers, and ESP hereby requests such protection.

TABLE OF CONFIDENTIAL INFORMATION

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
Total Retail Sales (MWh)	<i>Summary 10, Cell D9; Accounting, Cells K13-O13</i>	Demonstrate that submitted material constitutes type of data listed in the Matrix.	ESP's "net short" energy procurement requirements for a given year are equivalent to that year's total retail sales minus procured energy supplies.
		Identify the Matrix category (or categories) to which data correspond.	I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that its prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales be kept confidential so as not to reveal its "net short" energy procurement requirements..
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
Annual Procurement Target (MWh)	<i>Summary 10,</i> Cell D10; <i>Accounting,</i> Cells K15-O15	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Because ESP's APT (MWh) for each year is derived from its retail sales using a published formula, disclosure of ESP's APT (MWh) data would reveal ESP's retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that information that would reveal its prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales be kept confidential so as not to reveal ESPs "net short" energy procurement requirements.
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.
Incremental Procurement Target (MWh)	<i>Accounting,</i> Cells K16-O16	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Because ESP's IPT (MWh) for each year is derived from its retail sales using a published formula, disclosure of ESP's IPT (MWh) data would reveal ESP's retail sales.

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
		Identify the Matrix category (or categories) to which data correspond.	I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that information that would reveal its prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales be kept confidential so as not to reveal ESPs "net short" energy procurement requirements.
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.
RPS-Eligible Procurement Data (MWh and %)	<i>Summary 10</i> , Cells D11, E11, E13 and D17-D31; <i>Accounting</i> , Cells K14-O14; <i>Procurement Detail</i> , Cells J9-N9 through J32-N32, J37-N37 through J50-N50, J224-O224 through J243-O243, K244-N244 through K263-N263, K264-O264	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Disclosure of procurement/supply data (MWh and %) would reveal ESP's APT (MWh) data and/or IPT (MWh) data, which in turn would reveal ESP's retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.B and I.C

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
	through K277-N277, and J278-T278 through J315-T315	Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that information that would reveal its prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales be kept confidential so as not to reveal ESPs "net short" energy procurement requirements.
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.
Flexible Compliance Data	<i>Summary 10</i> , Cells D35-D38 and D42-D46; <i>Accounting</i> , Cells K25-O25 through K98 and L96-O96	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Disclosure of flexible compliance data would reveal procurement/supply data, which would reveal ESP's APT data (MWh) and/or IPT data (MWh), which in turn would reveal ESPs retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.B

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
		Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that information that would reveal its prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales be kept confidential so as not to reveal ESPs "net short" energy procurement requirements.
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.
Annual Contracting Quota Requirement	<i>Procurement Detail, Cells K26-N27 through K32-N32</i>	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Because ESP's Annual Contracting Reporting Requirement (MWh) is derived from its retail sales using a published formula, disclosure would reveal ESP's retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.B

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
		Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that information that would reveal its prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales be kept confidential so as not to reveal ESPs "net short" energy procurement requirements.
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.
TREC Procurement/ Supply, Usage Limit and Banking Data (MWh)	<i>Accounting Tab, Cells L85-O85 through L90-O90; Procurement Detail Tab, J11-N11 through J17-O17</i>	Demonstrate that submitted material constitutes type of data listed in the ESP Matrix.	Disclosure of TREC procurement/supply, TREC usage limit and/or TREC banking data would reveal (or enable to be calculated) ESP's APT data (MWh), retail sales, and "net short" energy procurement requirements.
		Identify the ESP Matrix category (or categories) to which data correspond.	I.B and I.C

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
		Affirm compliance with limitations on confidentiality specified in the ESP Matrix.	Subject data for the prior year, current year and first three years of the reporting period are protected so as not to reveal ESP's "net short" energy procurement requirements.
		Affirm information is not already public.	This information is not already public.
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs only could be made public without serious risk of harm to ESP and its customers.

I, the undersigned, declare under penalty of perjury:

- (1) I am the attorney representing ESP in this proceeding;
- (2) An officer of ESP was not located within the County of Los Angeles at the time this Confidentiality Declaration was filed;
- (3) I am authorized to make this Confidentiality Declaration on ESP's behalf;
- (4) I have reviewed, or caused to be reviewed, the RPS Compliance Report referenced in this Confidentiality Declaration;
- (5) The statements in this Confidentiality Declaration are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

Executed on July 29, 2011, at Woodland Hills, California.



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