

**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
3 PHASES RENEWABLES, LLC**

The semi-annual Renewables Portfolio Standard (RPS) compliance report which is the subject of this confidentiality declaration has been submitted to Commission staff, as well as the presiding administrative law judge for the above-captioned proceeding, pursuant to the RPS reporting requirements established in Decision (“D.”) 05-10-059 and specified further in the Energy Division’s most recent reporting instructions. In addition, a redacted (public) version of the report has been served on all parties of record to the above-captioned proceeding.

Certain information contained in the subject RPS compliance report, as specified herein, is eligible for confidentiality treatment under the provisions of D.06-06-066 and the “Matrix of Allowed Confidential Treatment Energy Service Provider (ESP) Data” adopted in the aforesaid decision, as modified in D.08-04-023. In contrast to other RPS-obligated entities, which typically own or wholly control the output of a significant portion of the generation resources that are used to meet their customers’ electricity requirements and associated resource adequacy (capacity) requirements, at this time 3 Phases Renewables, LLC (hereinafter referred to as “ESP”) does not own or wholly control the output of any generation facility that serves the electricity and/or associated resource adequacy requirements of its customers in California. Therefore, ESP’s “net short”, which is confidential under the ESP Matrix as modified in D.08-04-23, may be essentially the same as its total retail sales in any given year, or could readily be derived for the year by comparing its total retail sales with its supply data (MWh) and resource

mix data (MWh). With this fact in mind, the undersigned declarant hereby verifies that the following RPS-related compliance data¹ is confidential and the Commission is obligated to protect it so as to avoid material harm to ESP and its customers:

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
Total Retail Sales (MWh)	<i>Summary 10</i> , Cell D9 <i>Accounting</i> ² , Cells K13-N13(Line 5)	Demonstrate that submitted material constitutes type of data listed in the Matrix.	ESP's net short is equivalent to its retail sales minus procured 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 and the first three years of its forecasted retail sales be kept confidential so as not to reveal its net short.
		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 could be made public without serious risk of harm.

¹ Not all cells referenced in the table are necessarily redacted, as they may not contain any data.

² Line numbers correspond with those set forth in Column B (Line #).

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
Annual Procurement Target (MWh)	<i>Summary 10</i> , Cell D10, <i>Accounting</i> ³ , Cells K15-N15, (Line 7)	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Since ESP's APTs (MWh) is derived by a formula that is linked to retail sales, disclosure of 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 the first three years of its forecasted retail sales be kept confidential so as not to reveal its net short.
		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 could be made public without serious risk of harm.
Incremental Procurement Target (MWh)	<i>Accounting</i> ⁴ , Cells K16-N16 (Line8)	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Since ESP's IPT (MWh) is derived by a formula that is linked to retail sales, disclosure of IPT (MWh) data would reveal ESP's retail sales.

³ Line numbers correspond with those set forth in Column B (Line #).

⁴ Line numbers correspond with those set forth in Column B (Line #).

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 the first three years of its forecasted retail sales be kept confidential so as not to reveal its net short.
		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 could be made public without serious risk of harm.
RPS-Eligible Procurement Data (MWh)	<i>Summary 10</i> , Cells D11 and D17-D31; <i>Accounting</i> ⁵ , Cells K14-N14(Line 6); <i>Procurement Detail</i> , Cells J9-M9 through J24-M24, J26-M26 through J32-M32, J37-M37	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Disclosure of procurement/supply data would reveal ESP's APT (MWh) and IPT (MWh), which would reveal its retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.B and I.C

⁵ Line numbers correspond with those set forth in Column B (Line #).

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
	through J50-M50, J54-M54 through J311-M311, and Z55-Z263	Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, ESP requests that procurement/supply data that would reveal its prior 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.
		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 could be made public without serious risk of harm.
Flexible Compliance Data	<i>Summary 10</i> , Cells D12, D35-D38 and D42-D46; <i>Accounting</i> ⁶ , Cells K17-N17(line 9), K19-N19(Line 11), K20-N20 (line 12), K25-N25 (Line 13), K27-N27 and K40-N40 (line 14), K56-N56 (line 26), K79-N79 (Line 35), K80-N80(Line 36), K81-N81(Line 37), K82-N82(Line 38), L95-N95(Line 39)	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Disclosure of flexible compliance data would reveal procurement/supply data that would reveal ESP's APT (MWh) and IPT (MWh), which in turn would reveal its retail sales.

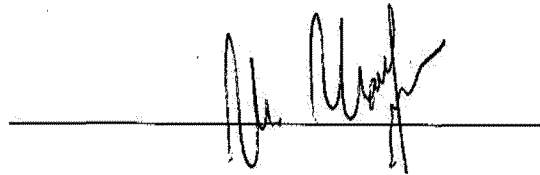
⁶ Line numbers correspond with those set forth in Column B (Line #).

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 flexible compliance data that would reveal its prior year's retail sales and the front three years of its forecasted retail sales be kept confidential so as not to reveal its net short for those years.
		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 could be made public without serious risk of harm.
Annual Contracting Quota Requirement	<i>Procurement Detail</i> , Cells J26-M26 through J32-M32	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Since ESP's Annual Contracting Reporting Requirement (MWh) is derived by a formula that is linked to prior year's retail sales, disclosure of IPT (MWh) data would reveal ESP's forecast retail sales and therefore its net short.

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 flexible compliance data that would reveal its prior year's retail sales and the front three years of its forecasted retail sales be kept confidential so as not to reveal its net short for those years.
		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 could be made public without serious risk of harm.

I declare under penalty of perjury that the aforesaid is true of my own knowledge, except as to matters that are stated on information or belief, which statements I believe to be true.

Executed on July 29, 2011.

A handwritten signature in black ink is written over a solid horizontal line. The signature is cursive and appears to read 'Mike Mazur'.

Mike Mazur
Principal
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