

**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 PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)  
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN NOTICE OF *EX PARTE*  
COMMUNICATION UNDER SEAL CONSISTENT WITH THE CONFIDENTIALITY  
PROTECTIONS OF DECISIONS 06-06-066 AND 08-04-023, AND GENERAL ORDER  
66-C; [PROPOSED] RULING**

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September 21, 2011

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66-C; [PROPOSED] RULING**

Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure and Decisions ("D.") 06-06-066 and 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. The material PG&E seeks to protect is included in the confidential version of PG&E's Notice of *Ex Parte* Communication ("Notice") that is being filed concurrently with this motion.

The confidential version of PG&E's Notice includes two attachments that contain confidential information for which PG&E is seeking protection. Attached hereto and incorporated herein by this reference is a matrix describing the confidential material in the attachments to the Notice. Decision 08-04-023 requires that material formally filed with the Commission for which an investor-owned utility ("IOU") seeks confidential treatment must be accompanied by a motion establishing:

- 1) that the material it is submitting constitutes a particular type of data listed in the matrix attached as Appendix 1 to D.06-06-066 ("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>

In accordance with these requirements, the attached matrix specifies, with respect to the confidential information contained in the attachments to the Notice: (1) that the material PG&E is seeking to protect constitutes the particular type of material listed in the IOU Matrix or is otherwise subject to confidential treatment; (2) the category or categories in the IOU Matrix to which the data and information corresponds, and why confidential protection is justified; (3) that PG&E is complying with the limitations specified in the IOU Matrix for that type of data or information; (4) that the information is not already public; and (5) that 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, Ordering Paragraph No. 2; D.08-04-023 at 21-22.

For all the reasons described above and in the attached matrix, PG&E requests that the Commission grant PG&E's motion to file the confidential version of its Notice under seal. As required by Rule 11.4(a), a proposed ruling granting this motion is attached.

Respectfully submitted,

CHARLES R. MIDDLEKAUFF  
CORY M. MASON  
M. GRADY MATHAI-JACKSON

By:           /s/ Cory M. Mason            
CORY M. MASON

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Attorneys for  
PACIFIC GAS AND ELECTRIC COMPANY

Dated: September 21, 2011

**PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)**  
**Notice of *Ex Parte* Communication in R.11-05-005, September 21, 2011**  
**IDENTIFICATION OF CONFIDENTIAL INFORMATION PER D.06-06-066 AND D.08-04-023, OR OTHER AUTHORITY**

<b>Redaction Reference</b>	<b>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)</b>	<b>2) Which category or categories in the Matrix the data correspond to:</b>	<b>3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)</b>	<b>4) That the information is not already public (Y/N)</b>	<b>5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)</b>	<b>PG&amp;E's Justification for Confidential Treatment</b>	<b>Length of Time</b>
Attachment 1 to Notice of <i>Ex Parte</i> Communication	Y	Item VIII A) Bid information  Item VIII B) Specific quantitative analysis involved in scoring and evaluation of participating bids	Y	Y	Y	Attachment 1 is PG&E's 2011 Renewables Portfolio Standard ("RPS") Solicitation Shortlist, which contains bid information and bid evaluation information from PG&E's 2011 RPS Solicitation. Disclosure of this information would provide valuable market sensitive information to competitors and is therefore considered confidential. Offers received in PG&E's 2011 RPS Solicitation and outside of this solicitation are still under negotiation, and releasing this information would be damaging to the negotiation process.	For information covered under Item VIII A), remain confidential until after final contracts submitted to CPUC for approval  For information covered under Item VIII B), remain confidential for three years after winning bidders selected

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<b>Redaction Reference</b>	<b>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)</b>	<b>2) Which category or categories in the Matrix the data correspond to:</b>	<b>3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)</b>	<b>4) That the information is not already public (Y/N)</b>	<b>5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)</b>	<b>PG&amp;E's Justification for Confidential Treatment</b>	<b>Length of Time</b>
Attachment 2 to Notice of <i>Ex Parte</i> Communication	Y	Item VIII A) Bid information  Item VII (un-numbered category following VII G)) Score sheets, analyses, evaluations of proposed RPS projects  Item VI B) Utility Bundled Net Open (Long	Y	Y	Y	Attachment 2 is a presentation regarding PG&E's 2011 RPS Solicitation shortlist. This presentation includes a summary of the offers received in PG&E's 2011 RPS Solicitation and of the offers that PG&E selected for its 2011 RPS shortlist by technology. It also discusses considerations in the evaluation process related to requirements in Senate Bill 2 (1X).  This presentation contains bid information and analyses and evaluations of proposed RPS projects, which are protected from disclosure under the Matrix. Disclosure of this information would provide valuable market sensitive information to competitors and is therefore considered confidential. Offers received in PG&E's 2011 RPS Solicitation and outside of this solicitation are still under negotiation, and releasing this information	For information covered under Item VIII A), remain confidential until after final contracts submitted to CPUC for approval  For information covered by Item VII (un-numbered category following VII G)), remain confidential for three years  For information covered by Item VI (B), front 3 years of forecast data confidential  For information covered

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<b>Redaction Reference</b>	<b>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)</b>	<b>2) Which category or categories in the Matrix the data correspond to:</b>	<b>3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)</b>	<b>4) That the information is not already public (Y/N)</b>	<b>5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)</b>	<b>PG&amp;E's Justification for Confidential Treatment</b>	<b>Length of Time</b>
		or Short) Position for Energy (MWh)  General Order 66-C				would be damaging to the negotiation process.  The discussion of considerations in the evaluation process related to requirements in Senate Bill 2 (1X) should also remain confidential, as disclosure of such information could generally reveal PG&E's net open position for different RPS products. Paragraph 2.2(b) of General Order 66-C also provides a basis for confidential treatment of this information, as disclosure could result in market participants manipulating the market for RPS-eligible energy and could place PG&E at an unfair business disadvantage.	by General Order 66-C, remain confidential indefinitely

**VERIFICATION**

I am an employee of PACIFIC GAS AND ELECTRIC COMPANY, a corporation, and am authorized to make this verification on its behalf. I have read the foregoing “MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN NOTICE OF *EX PARTE* COMMUNICATION UNDER SEAL CONSISTENT WITH THE CONFIDENTIALITY PROTECTIONS OF DECISIONS 06-06-066 AND 08-04-023, AND GENERAL ORDER 66-C” dated September 21, 2011. The statements in the foregoing document and the attached matrix are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21st day of September, 2011 at San Francisco, California.

/s/ David Poster  
David Poster  
Regulatory Manager  
Pacific Gas and Electric Company



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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 September 21, 2011, for leave to file confidential materials under seal (“Motion”), namely certain information in the confidential version of its Notice of *Ex Parte* Communication filed on September 21, 2011 in this proceeding (“Notice”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential version of PG&E’s Notice are described in the Motion and in the matrix attached to the Motion.
2. The confidential 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 \_\_\_\_\_, 20\_\_ at San Francisco, California.

\_\_\_\_\_  
Administrative Law Judge