

From: Marks, Jaclyn  
Sent: 1/31/2012 4:52:56 PM  
To: Allen, Meredith (/O=PG&E/OU=Corporate/cn=Recipients/cn=MEAe); Redacted  
Redacted  
Cc: Douglas, Paul (paul.douglas@cpuc.ca.gov); Blackney, Robert  
(robert.blackney@cpuc.ca.gov)  
Bcc:  
Subject: Table showing redactions attached - See Table C

See Table C for what the chart would look like with 3 contracts minimum, regardless of operational status. Also, just to clarify, if a contract was listed as a QF that did not need CPUC approval, we automatically made the cost of delivered energy of that contract public, even if it was the only contract in that category. Tables A and B make this assumption.

Jaclyn

**From:** Allen, Meredith [mailto:MEAe@pge.com]  
**Sent:** Tuesday, January 31, 2012 3:54 PM  
**To:** Redacted Marks, Jaclyn  
**Cc:** Blackney, Robert; Douglas, Paul  
**Subject:** RE: SB 836 Analysis Attached - Please confirm receipt

Jaclyn,

Below is the write up from our attorneys. I will call you to discuss.

Thanks,

Meredith

The Padilla bill requires the Commission to release power purchase contract costs "in an

aggregated form." Section 911(a)(1). More specifically, the bill requires the Commission to "aggregate data to the extent required to ensure protection of the confidentiality of individual contract costs even if this aggregation requires grouping contracts of different energy resource type." Section 911(b).

The draft report may fail to meet these statutory requirements because it appears to place only one or two contracts in some of the rows without blacking out the information in all such rows. The release of the data from one contract cannot be said to be "aggregated." Moreover, the release of the combined data for two contracts is easily manipulated by the party to one of the contracts to "back out" the information related to the other contract. Accordingly, PG&E views the statute's requirement as effectively requiring at least three contracts to be aggregated in each grouping. This is consistent with the statute's further clarification that it does not require the Commission "to release the data in any year when there are fewer than three contracts approved." Section 911(b).

Given the statutory direction, the Commission should aggregate any existing row in its spreadsheet that contains 1 or 2 contracts with the row immediately above or below it. In that case, the Commission would not need to redact any information from the report, would comply with the Padilla language, and would avoid the very complex further screen of needing to determine all of the individual contracts that may be eligible to be made public under the Commission's existing confidentiality standards.

If, however, the Commission goes forward with releasing data concerning 1 or 2 contracts, it should ensure that each such contract meets the applicable standards for release and should allow each of the IOUs adequate time to confirm agreement with those determinations and to make any necessary legal notifications to PPA counterparties whose information will be disclosed for the first time. The Commission's confidentiality standard is that individual contracts "should be confidential for 3 years from the date the contract states that energy deliveries begin . . ." D.06-06-066 at 63. This differs, potentially materially, from the report's standard of making public single contracts if the facility "has been operating for at least three years." Draft Report, Attachment A, pg. 1. The latter requires review of each individual contract, as amended, to determine the commencement of delivery date, irrespective of when the facility actually started operating. For example, a contract with an existing facility might be immediately disclosed under the report's standard, but not under D.06-06-066. Additionally, where an original PPA may be disclosed pursuant to D.06-06-066, the price reported in the report may nonetheless still be confidential if a price amendment to the contract was executed within the past three years. Given the complexity of this analysis and the difficulty of identifying from the spreadsheet supporting the report exactly which contracts were made public (either because they are in a row by themselves or aggregated with only one additional contract), PG&E cannot immediately determine whether the D.06-06-066 has been correctly applied.

PG&E respectfully recommends that the Commission aggregate all PPA-related rows so that they contain at least 3 contracts. In that case, no redactions will be required in the Report.

**From:** [Redacted]  
**Sent:** Tuesday, January 31, 2012 10:16 AM  
**To:** Marks, Jaclyn; Allen, Meredith  
**Cc:** Blackney, Robert; Douglas, Paul  
**Subject:** RE: SB 836 Analysis Attached - Please confirm receipt

Thanks Jaclyn. Am confirming receipt of the information.

-Maggie

**From:** Marks, Jaclyn [<mailto:jaclyn.marks@cpuc.ca.gov>]  
**Sent:** Tuesday, January 31, 2012 10:10 AM  
**To:** [Redacted] Allen, Meredith  
**Cc:** Blackney, Robert; Douglas, Paul  
**Subject:** SB 836 Analysis Attached - Please confirm receipt  
**Importance:** High

Maggie and Meredith,

Attached is the Q4 2011 RPS Report to the Legislature with the Padilla data as Appendix A. Please let me know if you have any concerns about how the data is presented by **COB today**. You can see below for an explanation of how we determined what is public vs. confidential. We plan on briefing Senator Padilla tomorrow morning and making this public on Friday. I've attached the spreadsheet we used to calculate the numbers. Please confirm that you've received this email.

Also, I'd like to add in the projected Solar PV UOG costs. I have a pre-TOD number from the Solar PV Program Decision (\$246/MWh). Can you please adjust this number for TOD factors today?

Thank you,

Jaclyn

Pricing figures were determined to be confidential if a) the facility has not been operating for at least three years since CPUC approval, or b) there were less than three facilities in each category. If there was only one facility in a category, but it has been operating for at least three years, then the price information for that facility is public. In addition, all feed-in tariff contracts, contracts with municipal governments, and utility-owned generation costs are public, regardless of the operational status of the facility.