

**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
MARCH 2012 RPS PROGRESS REPORT
OF DIRECT ENERGY BUSINESS, LLC**

Direct Energy Business, LLC (hereinafter referred to as “ESP”) has caused the March 2012 RPS Procurement Progress 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 the parties of record in 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 and modified by D. 08-04-023, and the Commission is obligated to protect said confidential information so as to avoid material harm to ESP and its customers.

TABLE OF CONFIDENTIAL INFORMATION

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
Total Retail Sales (MWh)	<i>Accounting,</i> Cells C10-G10	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.	Under the Matrix, ESP's prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales may 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
Procurement Quantity Target (MWh)	<i>Accounting,</i> Cells D16 & D18	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Because ESP's PQT (MWh) for each compliance period is derived from its retail sales for each year in that period using a published formula, disclosure of ESP's PQT (MWh) data would reveal ESP's total retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix.	Under the Matrix, information that would reveal ESP's prior year's retail sales, current year's retail sales, and the first three years of its forecasted retail sales may 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.

Description of Data	Spreadsheet Location	D.06-06-066 Requirements	Explanation
RPS-Eligible Procurement Data (MWh)	<i>Accounting,</i> Cells C12-G12, G16 & G18	Demonstrate that submitted material constitutes type of data listed in the Matrix.	Disclosure of procurement/supply data (MWh) would reveal ESP's PQT (MWh) data, which in turn would reveal ESP's retail sales.
	<i>Procurement Detail,</i> Cells C9-C268 through G9-G268, and C269-C302 through L269-L302	Identify the Matrix category (or categories) to which data correspond.	I.B and I.C
	Affirm compliance with limitations on confidentiality specified in the Matrix.	Under the Matrix, ESP may keep confidential 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.	

I, the undersigned, declare under penalty of perjury:

- (1) I am the attorney representing ESP in this proceeding;
- (1) An officer of ESP was not located within the County of Los Angeles at the time this Confidentiality Declaration was filed;
- (2) I am authorized to make this Confidentiality Declaration on ESP's behalf;
- (3) I have reviewed, or caused to be reviewed, the RPS Procurement Progress Report referenced in this Confidentiality Declaration;
- (4) 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 February 28, 2012 at Woodland Hills, California.



Gregory S.G. Klatt

DOUGLASS & LIDDELL

21700 Oxnard Street, Suite 1030

Woodland Hills, California 91367

Telephone: (818) 961-3002

Email: klatt@energyattorney.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the attached *Direct Energy Business, LLC March 2012 Procurement Progress Report and Confidentiality Declaration for March 2012 Semi-Annual Compliance Report Pursuant to the California Renewables Portfolio Standard of Direct Energy Business, LLC* on all parties of record in proceedings *R.11-05-005* by serving an electronic copy on their email address of record and by mailing a properly addressed copy by first-class mail with postage prepaid to each party for whom an email address is not available.

Executed on February 28, 2012, at Woodland Hills, California.



Michelle Dangott