

**BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate and
Refine Procurement Policies and Consider
Long-Term Procurement Plans

R.10-05-006

**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; [PROPOSED] RULING**

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Date: March 7, 2012

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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 as Attachment 1 to the confidential, unredacted version of PG&E’s Notice of *Ex Parte* Communication (“Notice”) that is being filed concurrently with this Motion. In D.06-06-066 and D.08-04-023, the Commission adopted rules and procedures governing the submission of confidential electric procurement information to the Commission. In a Matrix, attached to D.06-06-066 as Appendix 1 (the “IOU Matrix”), the Commission established specific rules for Investor-Owned Utilities (“IOUs”) governing the confidentiality of certain categories of data and information. D.08-04-023 requires that material formally filed with the Commission for which an IOU seeks confidential treatment must be accompanied by a Motion. In its Motion the IOU must establish that:

- 1) The material it is submitting constitutes a particular type of data listed in the IOU Matrix;
- 2) The category or categories in the IOU Matrix to which the data correspond;

- 3) The IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data;
- 4) The information is not already public; and
- 5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.¹

Attached hereto and incorporated herein by this reference is Attachment A identifying the material for which PG&E is seeking confidential treatment. Attachment A specifies that the material PG&E is seeking to protect constitutes the particular type of material listed in the IOU Matrix. Attachment A also specifies the category or categories in the IOU Matrix to which the data and information corresponds, and why confidential protection is justified. Finally, Attachment A specifies that: (1) PG&E is complying with the limitations specified in the IOU Matrix for that type of data or information; (2) the information is not already public; and (3) the data cannot be aggregated, redacted, summarized or otherwise protected in a way that allows partial disclosure.

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¹ D.06-06-066, Ordering Paragraph No. 2; D.08-04-023 at 21-22.

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

Respectfully submitted,

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By: /s/ Charles R. Middlekauff
CHARLES R. MIDDLEKAUFF

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March 7, 2012

ATTACHMENT A

**Notice of *Ex Parte* Communication
March 7, 2012
IDENTIFICATION OF CONFIDENTIAL INFORMATION**

Redaction Reference	1) The material submitted constitutes data listed in the Matrix, appended as Appendix 1 to D.06-06-066 (Y/N)	2) Which category or categories in the Matrix the data correspond to:	3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
Document: Notice of <i>Ex Parte</i> Communication							
Notice of <i>Ex Parte</i> Communication, Attachment 1	Y	Contracts and power purchase agreements between utilities and non-affiliated third-parties (except RPS) – Item VII.B	Y	Y	Y	Describes certain terms and conditions in four Power Purchase Agreements between PG&E and non-affiliated third party generators	Three years

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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 March 7, 2012, for leave to file confidential materials under seal (“Motion”), namely certain information in the confidential, unredacted version of its Notice of *Ex Parte* Communication filed on March 7, 2012 in this proceeding (“Notice”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of PG&E’s Notice are described in the matrix attached to the Motion.
2. The confidential, unredacted 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 _____, 2012 at San Francisco, California.

Administrative Law Judge