

**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

Rulemaking No. 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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Dated: March 16, 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.<sup>1</sup>

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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<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 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,

CHARLES R. MIDDLEKAUFF  
MARK R. HUFFMAN

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

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March 16, 2012

**ATTACHMENT A**

**Ex Parte Notice filed in R.10-05-006  
March 16, 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
<b>Document: Ex Parte Notice</b>							
Attachment A	Y	Section VII.B – Contracts and power purchase agreements between utilities and non-affiliated third parties (except RPS)	Y	Y	Y	Description of terms and conditions of Power Purchase Agreements between PG&E and four non-affiliated third parties	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 16, 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* (“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

**CERTIFICATE OF SERVICE  
BY ELECTRONIC MAIL, U.S. MAIL, AND COURIER**

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 16th day of March, 2012, I caused to be served a true copy of:

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)  
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL  
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- [XX] By Electronic Mail – serving the above via e-mail transmission to each of the parties listed on the official service list for R.10-05-006 with an e-mail address.
- [XX] By U.S. Mail – placing the above for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for R.10-05-006 without an e-mail address.
- [XX] By Courier – serving the above document, via courier, to the following:
- |  |  |
|--|--|
| Peter V. Allen                             | (Courtesy Copy)                            |
| Administrative Law Judge                   | Michael R. Peevey, President               |
| California Public Utilities Commission     | California Public Utilities Commission     |
| 505 Van Ness Avenue, 5 <sup>th</sup> Floor | 505 Van Ness Avenue, 5 <sup>th</sup> Floor |
| San Francisco, CA 94102                    | San Francisco, CA 94102                    |

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 16th day of March, 2012, at San Francisco, California.

*/s/ Stephanie Louie*  

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**STEPHANIE LOUIE**