

**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)
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**MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY
(U 902 E) FOR LEAVE TO FILE UNDER SEAL THE UNREDACTED
VERSION OF ITS 2012 DRAFT RENEWABLES PORTFOLIO
STANDARD PROCUREMENT PLAN AND RELATED APPENDIX**

AIMEE M. SMITH
101 Ash Street, HQ-12
San Diego, California 92101
Telephone: (619) 699-5042
Facsimile: (619) 699-5027
Email: amsmith@semprautilities.com

Attorney for
SAN DIEGO GAS & ELECTRIC COMPANY

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

Order Instituting Rulemaking to Continue)	Rulemaking 11-05-005
Implementation and Administration of California)	(Filed May 5, 2011)
Renewables Portfolio Standard Program.)	
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**MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY
(U 902 E) FOR LEAVE TO FILE UNDER SEAL THE UNREDACTED
VERSION OF ITS 2012 DRAFT RENEWABLES PORTFOLIO
STANDARD PROCUREMENT PLAN AND RELATED APPENDICES**

Pursuant to Rule 11.4 of Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and D.06-06-066, *et seq.*, San Diego Gas & Electric Company (“SDG&E”) respectfully submits this motion for leave to file under seal the unredacted version of its 2012 Draft Renewables Portfolio Standard Procurement Plan and related appendices (together, the “Plan”), filed concurrently herewith.

Public Utilities Code § 454.5(g) requires the Commission to protect from disclosure all “market sensitive information submitted in an electrical corporation's proposed procurement plan.” In D.06-06-066, *et seq.*, the Commission adopted rules governing confidentiality of certain categories of electric procurement data routinely submitted to the Commission by investor owned utilities (“IOUs”) and energy service providers (“ESPs”). The Commission established two matrices – one applicable to IOUs, the other to ESPs – setting forth categories and sub-categories of data and providing a confidentiality designation for each.^{1/}

To the extent information matches a Matrix category, it is entitled to the protection the Matrix provides for that category of information. In addition, the Commission has made clear that information must be protected where “it matches a

^{1/} See, D.06-06-066, as amended by D.07-05-032, *mimeo*, Appendices 1 and 2.

Matrix category exactly . . . ***or consists of information from which that information may be easily derived.***^{2/} In order to claim the protection afforded by the relevant Matrix, the party seeking confidential treatment must establish:

- 1) That the material it is submitting constitutes a particular type of data listed in the Matrix,
- 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,
- 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.^{3/}

SDG&E demonstrates below that the confidential information provided in the Plan (the “Protected Information”) falls within the scope of data protected as confidential pursuant to the IOU Matrix and/or under relevant statutory provisions:^{4/}

^{2/} See, *Administrative Law Judge’s Ruling on San Diego Gas & Electric Company’s April 3, 2007 Motion to File Data Under Seal*, issued May 4, 2007 in R.06-05-027, p. 2 (emphasis added).

^{3/} D.06-06-066, as amended by D.07-05-032, *mimeo*, p. 81, Ordering Paragraph 2.

^{4/} The Matrix is derived from the statutory protections extended to non-public market sensitive and trade secret information. (See D.06-06-066, *mimeo*, note 1, Ordering Paragraph 1). The Commission is obligated to act in a manner consistent with applicable law. The analysis of protection afforded under the Matrix must always produce a result that is consistent with the relevant underlying statutes; if information is eligible for statutory protection, it must be protected under the Matrix. (See *Southern California Edison Co. v. Public Utilities Comm.* 2000 Cal. App. LEXIS 995, *38-39) Thus, by claiming applicability of the Matrix, SDG&E relies upon and simultaneously claims the protection of applicable statutory provisions including, but not limited to, Public Utilities Code §§ 454.5(g) and 583, Govt. Code § 6254(k) and General Order 66-C.

Data at issue	D.06-06-066 Matrix Requirements	How moving party meets requirements
<p><i>2012 RPS Plan, Section V: Table 1 – RPS Position</i></p>	<p>Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix</p>	<p>This table shows SDG&E’s current forecast of its nominal and probability weighted need. The analysis includes SDG&E’s (i) RPS targets for each compliance period, based on its forecasted bundled retail sales; and (ii) renewable generation net long/short data.</p>
	<p>Identify the Matrix category or categories to which the data corresponds</p>	<p>SDG&E’s RPS Target for each compliance period is derived from Bundled Retail Sales Forecasts. Disclosure would allow interested parties to easily derive SDG&E’s Bundled Retail Sales data, which is protected under IOU Matrix category V.C for 2012-2015.</p> <p>Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.</p>
	<p>Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data</p>	<p>In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the current year projection and the “front three years” of this information be kept confidential. As the data is aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 1 and 2 data be kept confidential (2011-2016). If this data was broken out, parties could calculate the bundled retail sales data for 2012-2015.</p>
	<p>Affirm that the information is not already public</p>	<p>SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.</p>
	<p>Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.</p>	<p>The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.</p>

2012 RPS Plan, Section V: Table 2 – RPS Sensitivity Analysis	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	These charts show a quantitative analysis of Strategic Procurement Information. Disclosure of this data could permit a party to easily derive SDG&E’s net long/short position.
	Identify the Matrix category or categories to which the data corresponds	Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the current year projection and the “front three years” of this information be kept confidential. Utility bundled retail sales data is protected under IOU Matrix category V.C for 2012-2015. Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
2012 RPS Plan, Section V: Table 3 – RPS Banking Analysis	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This table presents a specific quantitative analysis of SDG&E’s potential banking in compliance periods 1, 2 and 3. The analysis includes SDG&E’s (i) RPS targets for each compliance period, based on its forecasted bundled retail sales; and (ii) renewable generation net long/short data.

	Identify the Matrix category or categories to which the data corresponds	SDG&E's RPS Target for each compliance period is derived from Bundled Retail Sales Forecasts. Disclosure would allow interested parties to easily derive SDG&E's Bundled Retail Sales data, which is protected under IOU Matrix category V.C for 2012-2015. Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015. ^{5/}
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the current year projection and the "front three years" of this information be kept confidential.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
2012 RPS Plan, Section V: Table 4 – Impact of Retail Sales	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This table shows the difference between the California Energy Commission approved retail sales forecast and SDG&E's alternate retail sales forecast. The analysis includes SDG&E's (i) RPS targets for each compliance period, based on its forecasted bundled retail sales; and (ii) data from which SDG&E's renewable generation net long/short position could be easily derived.

^{5/} See, Administrative Law Judge's Ruling Granting San Diego Gas & Electric Company's May 21, 2007 Amendment to April 3, 2007 Motion and May 22, 2007 Amendment to August 1, 2006 Motion, issued June 28, 2007 in R.06-05-027, p. 2 (finding that preliminary procurement surplus/deficit information is confidential).

	Identify the Matrix category or categories to which the data corresponds	Utility bundled retail sales data is protected under IOU Matrix category V.C. Utility net long/short data is protected under IOU Matrix category VI.B.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	Utility bundled retail sales data is protected under IOU Matrix category V.C for 2012-2015. Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
2012 RPS Plan, Section V: <i>2012 RPS Plan – Need Assessment Workbook</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This workbook sets forth analysis based on: (i) SDG&E assessment of individual projects; (ii) RPS targets for each compliance period, based on its forecasted bundled retail sales; and (iii) data from which SDG&E’s renewable generation net long/short position could be easily derived.
	Identify the Matrix category or categories to which the data corresponds	Analysis of RPS projects is protected under IOU Matrix category VII.G. ⁶⁷ Utility bundled retail sales data is protected under IOU Matrix category V.C. Utility net long/short data is protected under IOU Matrix category VI.B.

⁶⁷ *Id.* at p.3.

	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	<p>Analysis of RPS projects is protected under IOU Matrix category VII.G for 2012-2015</p> <p>Utility bundled retail sales data is protected under IOU Matrix category V.C for 2012-2015.</p> <p>Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.</p>
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
2012 RPS Plan, Section VI: "Minimum Margin" of Procurement	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This table sets forth SDG&E's minimum margin of procurement for each compliance period based on the difference between SDG&E's RPS goals and the probability weighted deliveries for each compliance period. The analysis includes SDG&E's (i) RPS targets for each compliance period, based on its forecasted bundled retail sales; and (ii) renewable generation net long/short data.
	Identify the Matrix category or categories to which the data corresponds	<p>Utility bundled retail sales data is protected under IOU Matrix category V.C.</p> <p>Utility net long/short data is protected under IOU Matrix category VI.B.</p>
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	<p>Utility bundled retail sales data is protected under IOU Matrix category V.C for 2012-2015.</p> <p>Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.</p>

	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
2012 RPS Plan, Section X: Cost Quantification Table	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This table provides quantitative analysis of RPS cost data. It includes (i) bundled retail sales forecast data; and (ii) cost forecast data.
	Identify the Matrix category or categories to which the data corresponds	Utility bundled retail sales data is protected under IOU Matrix category V.C. Utility cost forecast data is protected under IOU Matrix category II.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	Utility bundled retail sales data is protected under IOU Matrix category V.C for 2012-2015. Utility cost forecast data is protected under IOU Matrix category II for 2012-2015.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
Appendix C: Evaluation Methodology (LCBF Process)	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This discussion involves specific analysis of SDG&E's net long/short position.

<i>Information highlighted in grey in Section 4.b – Determination of RPS Compliance Need</i>	Identify the Matrix category or categories to which the data corresponds	Utility net long/short data is protected under IOU Matrix category VI.B.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
Appendix C: Evaluation Methodology (LCBF Process) <i>Information highlighted in grey on page 9 – RPS Need Calculation</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This table includes analysis based upon SDG&E’s (i) RPS targets for each compliance period, based on its forecasted bundled retail sales; and (ii) renewable generation net long/short data.
	Identify the Matrix category or categories to which the data corresponds	Utility bundled retail sales data is protected under IOU Matrix category V.C. Utility net long/short data is protected under IOU Matrix category VI.B.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	Utility bundled retail sales data is protected under IOU Matrix category V.C for 2012-2015. Utility net long/short data is protected under IOU Matrix category VI.B for 2012-2015.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.

	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
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SDG&E respectfully moves this Commission for an order directing that the Protected Information, which has been redacted in the public version of the Plan, shall continue to remain under seal for the period noted in the table above.

Respectfully submitted this 23rd day of May, 2012.

/s/ Aimee M. Smith
AIMEE M. SMITH
101 Ash Street, HQ-12
San Diego, California 92101
Telephone: (619) 699-5042
Facsimile: (619) 699-5006
Email: amsmith@semprautilities.com

Attorney for
SAN DIEGO GAS & ELECTRIC COMPANY

PROPOSED ORDER

**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)
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ORDER

Pursuant to Rule 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and D.06-06-066, *et seq.*, San Diego Gas & Electric Company (“SDG&E”) filed a motion on May 23, 2012 (the “Motion”) requesting authority to file and maintain certain confidential, commercially sensitive and proprietary information under seal. The Motion sought confidential treatment of specific information appearing in SDG&E’s 2009 Renewable Portfolio Standard Procurement Plan and related appendices (together, the “Plan”).

The information for which confidential treatment is sought is protected under the IOU Matrix adopted in D.06-06-066. In addition, the information complies with the limitations on confidentiality specified in the IOU Matrix for that type of data and has not been made public. SDG&E has not publicly disclosed this information. The data cannot be aggregated, further redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Therefore, it is ordered that:

1. The confidential information contained in SDG&E's Plan shall remain sealed and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned Administrative Law Judge ("ALJ") or an ALJ designated to decide this motion;
2. Further proceedings, if any, held with respect to matters contained in the confidential information shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the materials described herein;
3. Non-market participants may request access to the confidential information pursuant to applicable rules; and
4. All additional documentary evidence in this proceeding that addresses or relates to the subject matter of the confidential information must be treated in the confidential manner described in paragraphs 1 and 2, above.

Administrative Law Judge

Dated: _____

AFFIDAVIT

I am an employee of the respondent corporation herein, and am authorized to make this verification on its behalf. The matters stated in the foregoing **MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) FOR LEAVE TO FILE UNDER SEAL THE UNREDACTED VERSION OF ITS 2012 DRAFT RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN AND RELATED APPENDIX** 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 under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of May, 2012, at San Diego, California

/s/ Hillary Hebert

Hillary Hebert
Partnerships and Programs Manager
Origination and Portfolio Design Department