

**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)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)  
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN ITS  
2012 RENEWABLE ENERGY PROCUREMENT PLAN (DRAFT VERSION)  
UNDER SEAL CONSISTENT WITH THE CONFIDENTIALITY  
PROTECTIONS OF DECISIONS 06-06-066 AND 08-04-023**

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Dated: May 23, 2012

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PROTECTIONS OF DECISIONS 06-06-066 AND 08-04-023**

Pursuant to Rule 11.4 of this Commission’s 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 in the confidential, unredacted version of PG&E’s 2012 Renewable Energy Procurement Plan (“2012 RPS Plan”) 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:

- 1) that the material it is submitting constitutes a particular type of data listed in the Matrix;
- 2) the category or categories in the Matrix to which the data correspond;
- 3) that the IOU 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.<sup>1/</sup>

Attached hereto and incorporated herein by this reference is a matrix identifying the material for which PG&E is seeking confidential treatment. The matrix specifies that the material PG&E is seeking to protect constitutes the particular type of material listed in the IOU Matrix, or is otherwise protected pursuant to General Order 66-C. The matrix also specifies the category or categories in the IOU Matrix to which the data and information corresponds, and why confidential protection is justified. Finally, the matrix specifies whether: (1) PG&E is complying with the limitations specified in the IOU Matrix for data or information covered by the IOU Matrix; (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. Because this information is embedded within PG&E's 2012 RPS Plan and it would be difficult to understand if only the pages containing the information were filed under seal, and because a duplicate public version of PG&E's 2012 RPS Plan is being served concurrently with only the confidential material redacted, the entire document containing the protected information should be filed under seal.

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<sup>1/</sup> D.06-06-066, p. 80, Ordering Paragraph No. 2.

For all the reasons described above and in the attached matrix, PG&E requests that the Commission grant PG&E's motion to file the confidential, unredacted version of its 2012 RPS Plan under seal. As required by Rule 11.4(a), a proposed order granting this Motion is attached behind the matrix.

Respectfully submitted,

CORY M. MASON  
M. GRADY MATHAI-JACKSON

By:     /s/ M. Grady Mathai-Jackson      
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Attorneys for  
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Dated: May 23, 2012

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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 May 23, 2012, for leave to file confidential materials under seal, namely certain information in the confidential, unredacted version of its 2012 RPS Plan (“Motion”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of PG&E’s 2012 RPS Plan 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

**PACIFIC GAS AND ELECTRIC COMPANY**  
**2012 Renewable Energy Procurement Plan (DRAFT VERSION)**  
 May 23, 2012

IDENTIFICATION OF CONFIDENTIAL INFORMATION PER DECISION 06-06-066 AND DECISION 08-04-023

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<b>Document: Confidential 2012 Renewable Energy Procurement Plan (Draft Version)</b>							
<b>RPS Plan - Main Document</b>  Pages 19, 80, 81, 84	Yes	Items II(B)(3) and II(B)(4): Generation Cost Forecasts of QF Contracts and Non-QF bilateral contracts  Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)	Yes	Yes	Yes	The redacted information on these pages indicates the generation cost forecasts of QF contracts and non-QF bilateral contracts.  Row 7 of Table 11-1 on page 84 is redacted to protect the front three years of PG&E's internal and proprietary forecast of its bundled customer total energy requirements.	Items II(B)(3) and (4): Confidential for three years. Public by resource category (e.g., fossil, wind, solar, hydro-electric, etc.) after three years.  Item V(C): Front three years.

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<p><b>Appendix 1 - Quantitative Information</b></p> <p>Row 4, years 2012-2015; Row 5, years 2012-2015; Row 6 2011-2016; Rows 8-10, years 2011-2016; Row 11, years 2011-2013; Row 15, years 2012-2015; Row 16, years 2012-2015; Row 17 2011-2016; Rows 19-21, years 2011-2016; Row 22, years 2011-2013; Row 28, years 2012-2015; Row 29, years 2012-2015; Row 30 2011-2016; Rows 32-34, years 2011-2016; Row 35, years 2011-2013</p>	Yes	<p>Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)</p> <p>VI(B): Utility Bundled Net Open (Long or Short) Position for Energy</p>	Yes	Yes	Yes	<p>Information in Rows 4-6, 15-17, and 28-30 shows PG&amp;E's net short position for RPS-eligible energy in the periods encompassing the front three years of the forecast. This information could also be manipulated in conjunction with publicly-available information to determine PG&amp;E's internal and proprietary forecast of its bundled customer total energy requirements.</p> <p>Data in Rows 8-11, 19-22, and 32-35 indicate PG&amp;E's strategy with respect to banking in the front three years of the forecast. Strategies associated with application of flexible compliance tools like banking were found to be confidential in the Administrative Law Judge's Ruling Granting San Diego Gas &amp; Electric Company's May 21, 2007 Amendment to April 3, 2007 Motion and May 22, 2007 Amendment to August 1, 2006 Motion, R.06-05-027 (June 28, 2007) and the Administrative Law Judge's Ruling Partially Granting Motions to File Certain Material Under Seal, R.06-05-027 (January 25, 2008), as the details regarding use of flexible compliance mechanisms could reveal the details of an RPS net short position.</p>	Front three years.

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<b>Appendix 2 - 2012 RPS Procurement Information Related to Cost Quantification</b> Table 2 - Row 13, years 2012-2015; Row 27, years 2012-2015	Yes	Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)	Yes	Yes	Yes	Front three years of PG&E's internal and proprietary forecast of its bundled customer total energy requirements. Linked cells whose values could reveal this confidential data are also redacted.	Front three years.
<b>Appendix 2 - 2012 RPS Procurement Information Related to Cost Quantification</b> Table 2 - Row 3, years 2012-2014; Row 4, years 2012-2020; Row 7, years 2015-2020; Row 11, years 2012-2015; Row 12, years 2012-2020, Row 14, years 2012-2020, Rows 16-20, years 2012-2020, Row 21, years 2013-2020; Rows 22-24, years 2012-2020, Row 26, years 2012-2020, Rows 28-29, years 2012-2020	Yes	Items II(B)(3) and II(B)(4): Generation Cost Forecasts of QF Contracts and Non-QF bilateral contracts	Yes	Yes	Yes	The redacted information on these pages indicates the generation cost forecasts of QF contracts and non-QF bilateral contracts.	Items II(B)(3) and (4): Confidential for three years. Public by resource category (e.g., fossil, wind, solar, hydro-electric, etc.) after three years.



Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<p><b>Appendix 4 - Status Update on All RPS Resources Under Contract but Not Yet Delivering Generation</b></p> <p>Row 11</p>	No	No Matrix Item. Corresponds to General Order 66-C.	N/A	Yes, as of the May 21, 2012 cut-off date for printing the 2012 RPS Plan, this information was not yet public.	Yes	<p>This data constitutes commercially sensitive, proprietary information that should be withheld from public disclosure under General Order 66-C paragraph 2.8. It relates to a contract that has been executed but not yet submitted to the Commission for approval. There are several reasons why it is in the public interest to protect the confidentiality of this information.</p> <p>First, disclosure of this information could discourage developers from contracting with PG&amp;E, and thus reduce the supply of renewable energy available to PG&amp;E at a reasonable cost. In addition, release of this information may result in developers increasing project costs in the future to compensate them for competitive harm resulting from disclosure. It is also in the public interest to protect the confidentiality of this information to ensure a vibrant, viable competitive market for renewable energy supplies.</p> <p>Disclosure of this information would provide valuable market sensitive information to competitors and could damage negotiations by providing information about other potential renewables projects.</p>	Remain confidential until no longer protected pursuant to the provisions of G.O. 66-C.

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<b>Appendix 4 - Status Update on All RPS Resources Under Contract but Not Yet Delivering Generation</b>  Column L	Yes	Item VII(F) Renewable Resource Contracts under RPS program - Contracts without SEPs; VII (G) Renewable Resource Contracts under RPS program - Contracts without SEPs	Yes	No. Some of the information in this column has previously been made public. However, PG&E has changed its redaction criteria for information in this category and will use these new criteria on a going-forward basis to ensure consistency.	Yes	This data contains information regarding the terms of RPS PPAs between PG&E and various counterparties. Disclosure of this information would provide valuable market sensitive information to competitors. Since negotiations are still in progress with bidders from the 2011 solicitation and with other counterparties, this information should remain confidential. Release of this information would be damaging to negotiations. Furthermore, the counterparties to the PPAs have an expectation that the terms of the PPAs will remain confidential pursuant to confidentiality provisions in the PPAs.	For information covered under Item VII(F) and VII(G) remain confidential for three years, or until one year following expiration, whichever comes first.

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<p><b>Appendix 4 - Status Update on All RPS Resources Under Contract but Not Yet Delivering Generation</b></p> <p>Column G (except rows 3, 22, 31, 32, 34, 42, 51)  Column J  Column K (except rows 3-10, 14, 15, 17, 19-22, 25-35, 39, 41, 42, 45, 46, 50, 51)  Column M (except rows 3, 22, 31, 32, 34, 42, 51)  Column N (except rows 22, 31, 34, 42, 46, 51)  Column O (except rows 3-8, 15, 16, 19-22, 25-29, 32-35, 41, 42, 44-46, 50)  Column Q (except rows 22, 34)</p>	No	No Matrix Item. Corresponds to General Order 66-C.	N/A	Yes	Yes	<p>This data constitutes commercially sensitive, proprietary information that should be withheld from public disclosure under General Order 66-C paragraph 2.8. It includes, for example, whether a particular project is on schedule to meet its construction start date and its commercial operations date, whether a given project may have problems gaining necessary permits from the relevant agencies, the status of the developer's financing, interconnection, and network upgrades.</p> <p>There are several reasons why it is in the public interest to protect the confidentiality of this information. First, disclosure of this information could discourage developers from candidly communicating project status to PG&amp;E, and thus undermine PG&amp;E's ability to adequately monitor RPS development progress. Second, PG&amp;E's counterparties oppose making this information public.</p> <p>If this information is not protected, developers may not respond to PG&amp;E's solicitation for bids, impairing PG&amp;E's ability to increase its procurement of renewable energy resources. In addition, release of this information may result in developers increasing project costs in the future to compensate them for competitive harm</p>	Remain confidential until no longer protected pursuant to the provisions of G.O. 66-C.

Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (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 in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
						<p>resulting from disclosure. It is also in the public interest to protect the confidentiality of this information to ensure a vibrant, viable competitive market for renewable energy supplies. Disclosure of this information would provide valuable market sensitive information to competitors and could damage negotiations by providing information about other potential renewables projects.</p>	

**VERIFICATION**

I am an employee of PACIFIC GAS AND ELECTRIC COMPANY, a corporation, and am authorized to make this verification on its behalf. I have read the foregoing “Motion Of Pacific Gas And Electric Company (U 39 E) For Leave To File Confidential Material In Its 2012 Renewable Energy Procurement Plan Under Seal Consistent With The Confidentiality Protections Of Decisions 06-06-066 and 08-04-023,” dated May 23, 2012. The statements in the foregoing document are true to 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 that the foregoing is true and correct.

Executed on this 23<sup>rd</sup> day of May 2012 at San Francisco, California.

*/s/ Brooke Reilly*

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Brooke Reilly  
Manager, Renewable Energy Policy and Planning  
Pacific Gas and Electric Company