

**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 CALPINE POWERAMERICA-CA, LLC  
FOR LEAVE TO FILE ITS CONFIDENTIAL PROPOSED  
2012 RPS PROCUREMENT PLAN UNDER SEAL**

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May 23, 2012

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Pursuant to the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, Rule 11.1 and 11.4 and Ordering Paragraph 9 of Decision (“D.”) 08-04-023, Calpine PowerAmerica-CA, LLC (“CPA”) respectfully files this Motion for Leave to File its Proposed 2012 RPS Procurement Plan Under Seal (“Motion”). Concurrently with this Motion, CPA is filing its Proposed 2012 RPS Procurement Plan. CPA’s Proposed 2012 RPS Procurement Plan includes a narrative response and an excel attachment. CPA is filing a confidential and public version of the excel attachment; the narrative response is public. Accordingly, CPA submits this Motion requesting an order for leave to file the confidential excel attachment to its Proposed 2012 RPS Procurement Plan under seal.

In Decision 06-06-066, as modified by Decision 08-04-023, (collectively “Confidentiality Decisions”), the Commission adopted rules governing the confidentiality of certain electric procurement data submitted to the Commission by electric service providers (“ESPs”). In the modified ESP matrix attached to Decision 08-04-023, the Commission identified categories of information and the confidentiality protections to be applied to those categories.<sup>1</sup> To the extent information submitted to the Commission by an ESP matches a category of information

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<sup>1</sup> See D.08-04-023 at Appendix B.

contained in the ESP Matrix, the information is entitled to the protection provided for that category of information by the ESP Matrix.<sup>2</sup>

Attached hereto and incorporated by reference is a table identifying data for which Calpine PowerAmerica is seeking confidential treatment. As required by Ordering Paragraph 2 of Decision 06-06-066, the table specifies:

1. That the material Calpine PowerAmerica 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 Calpine PowerAmerica 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.

For the above reasons, CPA requests that confidentiality of cells identified in the attached table be treated as confidential information and not publically disclosed. Further, CPA requests an order for leave to file the confidential excel attachment to its Proposed 2012 RPS Procurement Plan under seal.

Respectfully submitted,

/s/

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LLC

Dated: May 23, 2012

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<sup>2</sup> Decision 06-06-066, mimeo at 80 (Ordering Paragraph 2).

**CALPINE POWERAMERICA-CA, LLC**

**PROPOSED 2012 RPS PROCUREMENT PLAN**

**IDENTIFICATION OF CONFIDENTIAL INFORMATION PER DECISION 06-06-066, as modified by D.08-04-023**

**Date: May 23, 2012**

<b>Redaction Reference</b>	<b>1)The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 (Y/N)</b>	<b>2) Which category or categories in the Matrix do(es) the data correspond to:</b>	<b>3)That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)</b>	<b>4)That the information is not already public (Y/N)</b>	<b>5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)</b>	<b>Calpine PowerAmerica's Justification for Confidential Treatment</b>
<b>Document: March 2012 RPS Procurement Progress Report</b>						
Summary Tab: B6, B15-B18, B27, B47, C6, C15-C18, C27, C47, C53, C55, D6, D15-D18, D27, D47, E6, D15-E18, E27, E47, G53, G55  Existing Contracts Tab: A6, A7, A19	Y	Item I-A, I-B, III-C	Y	Y	Y (but data may be aggregated with data of all ESPs)	Historical and front three years of forecast of Calpine PowerAmerica's total energy requirements. This covers data from 2011 through 2014; accordingly, data is redacted for all four years. C55 and D55 are linked cells whose values would reveal this confidential data are also redacted.

DWT 19614444v1 0041036-000427

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**[PROPOSED] RULING**

The California Public Utilities Commission (“Commission”) has considered the motion of Calpine PowerAmerica-CA, LLC (“CPA”), filed May 23, 2012, for confidential treatment of certain data and information contained in its Proposed 2012 RPS Procurement Plan. This data and information is of the type addressed in the Matrices to D.06-06-066.

Good cause showing, the Commission rules as follows:

- (1) The following information will be treated as confidential information and not publicly disclosed:

Cells B6, B15-B18, B27, B47, C6, C15-C18, C27, C47, C53, C55, D6, D15-D18, D27, D47, E6, D15-E18, E27, E47, G53, G55 within the “Summary” tab and Cells A6, A7, A19 within the “Existing Contracts” tab of Calpine PowerAmerica-CA, LLC Proposed 2012 Procurement Plan, filed on May 23, 2012.

- (2) The confidential, unredacted version of this information shall not be made accessible or disclosed to anyone other than the Commission and its 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

## OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document 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.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2012 at Dublin, CA.



Alexandre B. Makler - Vice President