

**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.)	

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

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August 15, 2012

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OF THE STATE OF CALIFORNIA**

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VERSION OF ITS AMENDED 2012 DRAFT RENEWABLES PORTFOLIO
STANDARD PROCUREMENT PLAN AND RELATED DOCUMENTS**

Pursuant to Rule 11.4 of Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and Decision (“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 amended 2012 Draft Renewables Portfolio Standard Procurement Plan and related appendix, as well as in the redlined versions of such documents (together, the “Plan Documents”), 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/}

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

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 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 Documents (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/} *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
2012 RPS Plan, Section V: <i>Table 1 – RPS Sensitivity Analysis</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	These charts set forth analysis based on SDG&E’s assessment of individual RPS projects. These charts also contain information related to SDG&E’s Bundled Retail Sales data which if disclosed would allow an interested party to estimate this data.
	Identify the Matrix category or categories to which the data corresponds	Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G. Utility bundled retail sales data is protected under IOU Matrix category V.C.
	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 information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015). As the data is aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 1 and 2 aggregated data be kept confidential (2011-2016).
	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>Table 2 – RPS Banking Analysis</i>	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; (ii) renewable generation net long/short data; and (iii) analysis of RPS projects.

	Identify the Matrix category or categories to which the data corresponds	<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.</p> <p>Utility net long/short data is protected under IOU Matrix category VI.B.^{5/}</p> <p>Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G.^{6/}</p>
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	<p>In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015). As the data is aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 1 and 2 aggregated protected data be kept confidential (2011-2016).</p> <p>SDG&E also requests that the Banking Brought Forward from previous CP (MWh), and Bankable Energy + Previous CP Bank (MWh) be kept confidential for Compliance Periods 1 through 3 (2011-2020) because this data is cumulative and if disclosed would allow interested parties to calculate protected Net Short data.</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.

^{5/} See, e.g., ALJ Ruling, Attachment A, pp. 3, 5; *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).

^{6/} See, e.g., *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, at p. 3.

	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 – SDG&E Residual Net Short for RPS Procurement - August 13, 2012: Rows A, C, J, and R (Bundled Retail Sales Data)</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The SDG&E Residual Net Short for RPS Procurement - August 13, 2012 tables show SDG&E’s Bundled Retail Sales data and data that is a function of SDG&E’s Bundled Retail Sales data – SDG&E’s RPS Procurement Quantity Requirement, Category 3 Limitation, and Voluntary Margin of Overprocurement.
	Identify the Matrix category or categories to which the data corresponds	Utility Bundled Retail Sales data is protected under IOU Matrix category V.C for 2012-2015. SDG&E’s RPS Procurement Quantity Requirement, Category 3 Limitation, and Voluntary Margin of Overprocurement are all derived from Bundled Retail Sales Forecasts. Disclosure would allow interested parties to easily calculate SDG&E’s Bundled Retail Sales data; accordingly, this information is also protected under IOU Matrix category V.C.
	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 information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015). As the data is also aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 1 and 2 aggregated data be kept confidential (2011-2016). If this data was broken out, parties could calculate the bundled retail sales data 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 – SDG&E Residual Net Short for RPS Procurement - August 13, 2012: Rows Da, Db, D, E, F, G, H, I, L, M, N, Oa, Ob, Oc, O, P, Q, S and U (Net Short/Long Data)</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The SDG&E Residual Net Short for RPS Procurement - August 13, 2012 tables show SDG&E’s risk-adjusted analysis of its RPS position by year, analysis of banked and excess procurement by year as well as the margin of overprocurement as an implied percentage of retail sales, which are all a function of SDG&E’s net open position surplus or deficit.
	Identify the Matrix category or categories to which the data corresponds	Utility net long/short data is protected under IOU Matrix category VI.B. Information regarding SDG&E’s strategy associated with application of the banking flexible compliance tool could allow a third party to calculate SDG&E’s bundled retail sales figure, which is protected under IOU Matrix category V.C. Accordingly, this data is also protected under category V.C. ^{2/}
	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 information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015). As the data is also aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 1 and 2 aggregated data be kept confidential (2011-2016). If this data was broken out, parties could calculate the net long/short data 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.

^{2/} 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 strategies associated with application of flexible compliance tools such as banking must be kept confidential since disclosure “would allow a third party to calculate SDG&E’s bundled retail sales figure.”).

	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 – Contracts Presently Delivering - August 13, 2012: CP1 Probability, CP2&3 Probability, and Probability Weighted Deliveries, rows 1-40</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The Contracts Presently Delivering - August 13, 2012 tables set forth analysis based on SDG&E’s assessment of individual RPS projects.
	Identify the Matrix category or categories to which the data corresponds	Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G.
	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 information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015).
	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 – Contracts Presently Developing - August 13, 2012: CP1 Probability,</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The Contracts Presently Developing - August 13, 2012 tables set forth analysis based on SDG&E’s assessment of individual RPS projects.
	Identify the Matrix category or categories to which the data corresponds	Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G.

<i>CP2&3 Probability, and Probability Weighted Deliveries, rows 1-31</i>	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 information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015).
	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 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	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015).
	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.

<p>Appendix C: Evaluation Methodology (LCBF Process) <i>Information highlighted in grey in Section 5.b – Determination of RPS Compliance Need</i></p>	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 for renewable energy.
	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	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the information be kept confidential for the first partial year in which the information is submitted (2012) and the following annual three full years (2013-2015).
	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.

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 Documents, shall continue to remain under seal for the period identified in the table above.

Respectfully submitted this 15th day of August, 2012.

/s/ Aimee M. Smith _____
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SAN DIEGO GAS & ELECTRIC COMPANY

PROPOSED ORDER

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

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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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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 August 15, 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 the unredacted version of its amended 2012 Draft Renewables Portfolio Standard Procurement Plan and related appendix, as well as in the redlined versions of such documents (together, the “Plan Documents”).

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 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 Documents 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 DOCUMENTS** 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 15th day of August, 2012, at San Diego, California

/s/ Hillary Hebert

Hillary Hebert
Partnerships and Programs Manager
Origination and Portfolio Design Department