

**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 COMMERCE ENERGY, INC. FOR
LEAVE TO FILE CONFIDENTIAL MATERIAL UNDER SEAL**

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August 31, 2012

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Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission (“CPUC” or “Commission”) Rules of Practice and Procedure, Commerce Energy, Inc. (“Commerce Energy”) moves for leave to file its August 15, 2012 Renewables Portfolio Standard (“RPS”) Procurement Plan under seal. Commerce Energy filed and served the public version of its RPS Procurement Plan on August 15, 2012. Commerce Energy also submitted the confidential version of its RPS Procurement Plan to the Commission Energy Division and other Commission staff in accordance with email instructions from Commission staff on August 15, 2012. In accordance with instructions from the Commission Docket Office, the confidential version of Commerce Energy’s RPS Procurement Plan is being tendered under seal in hard copy today.

Those portions of Commerce Energy’s RPS Procurement Report identified in Table 1 below are eligible for confidentiality protection pursuant to Decision (“D.”) 06-06-066, D.08-04-023, the Matrix of Allowed Confidential Treatment for Energy Service Provider Data (“ESP Matrix”) attached as Appendix B to the latter decision, and the provisions of the August 2, 2012 Ruling of ALJ DeAngelis.¹ The data for which Commerce Energy requests confidentiality and thereby protection from public disclosure are of the types and correspond to the category (or categories) in the ESP Matrix specified below:

¹ ALJ DeAngelis Ruling is available at <http://docs.cpuc.ca.gov/efile/RULINGS/171999.pdf>.

TABLE 1: IDENTIFICATION OF CONFIDENTIAL INFORMATION

<i>Revised RPS Procurement Plan Location</i>	<i>Type of Data</i>	<i>Authority / Matrix Category</i>
Annual RPS Risk-adjusted Net Short Calculation for Years 2011-2015 (RPS Procurement Plan pages 7-8)	<p>Bundled Retail sales (MWhs) for prior year, current year and 3 years of retail sales forecasts.</p> <p>Annual RPS Risk-adjusted Net Short Calculation for prior year, current year and 3 years of net short forecasts.</p>	<p>I – Renewables Portfolio Standard (RPS) Information.</p> <p>A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP.</p> <p>B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and supply data would reveal the entire net short of ESP.</p>

The data for which Commerce Energy is claiming confidentiality is not already public.

Commerce Energy’s customers may be harmed by the loss of confidentiality insofar as members of the public not eligible to review the data as non-market participating parties—primarily other market participants such as other ESPs or suppliers—can use this data to derive detailed estimates of Commerce Energy-specific procurement requirements and Commerce Energy’s current compliance position.

Accordingly, Commerce Energy respectfully requests that the above identified portions of its August 15, 2012 RPS Procurement Plan be treated as confidential material and protected from public disclosure. Commerce Energy requests that the data remain under seal until

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December 31, 2015. Commerce Energy also requests a ruling granting leave to file the confidential version of its RPS Procurement Plan under seal.

Dated: August 31, 2012

Respectfully submitted,



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[PROPOSED] RULING

On August 31, 2012, Commerce Energy, Inc. (Commerce Energy) filed a motion for leave to file certain material under seal. In particular, Commerce Energy seeks seal of the confidential version of its Revised Renewable Portfolio Standard Procurement Plan (Revised RPS Plan). Commerce Energy had previously filed a public version of its Revised RPS Plan and submitted a confidential version of its Revised RPS Plan on August 15, 2012 in accordance with the August 2, 2012 Ruling of ALJ DeAngelis (August 2 Ruling) in this proceeding.

The data which Commerce Energy seeks to seal is eligible for confidentiality protection pursuant to Decision (“D.”) 06-06-066, D.08-04-023, the Matrix of Allowed Confidential Treatment for Energy Service Provider Data (“ESP Matrix”) attached as Appendix B to the latter decision, and the provisions of the August 2 Ruling. Therefore, good cause showing, Commerce Energy’s motion is granted. The data shall remain sealed until December 31, 2015. The sealed data shall not be made accessible or disclosed to anyone other than the Commission and Commission staff except pursuant to written protective order, or upon further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge, or the Administrative Law Judge then designated as the Law and Motion Judge.

Dated _____, 2012 at San Francisco, California

Administrative Law Judge

VERIFICATION

I am the attorney for Commerce Energy, Inc. (“Commerce Energy”) and am authorized to make this verification on its behalf. Commerce Energy is absent from the County of Sacramento, California, where I have my office, and I make this verification for that reason. The statements in the foregoing document 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 that the foregoing is true and correct.

Executed on August 31, 2012 at Sacramento, California.

/s/

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