

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

Application of Pacific Gas and Electric
Company (U 39E) for Approval of an
Amendment of its Power Purchase Agreement
with Starwood Power-Midway, LLC and for
Authority to Recover the Costs of the
Amended Agreement In Rates

Application No. 12-09-____

**MOTION OF
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL UNDER SEAL
CONSISTENT WITH THE CONFIDENTIALITY PROTECTIONS
OF DECISION 06-06-066 AND PUBLIC UTILITIES CODE § 583
AND [PROPOSED] ORDER THERETO**

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DATED: September 26, 2012

Attorneys for
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I. SUMMARY OF RELIEF REQUESTED.

Pursuant to Rule 11.4 of the Commission’s Rules of Practice and Procedure (“Rules”), Law and Motion Resolution ALJ-164, Decision (“D.”) 08-04-023 and Public Utilities Code Section 583 (“Section 583”), Pacific Gas and Electric Company (“PG&E”) files this Motion for Leave to File confidential energy procurement information under seal. The material PG&E seeks to protect is included in the confidential, unredacted version of the *Application of Pacific Gas and Electric Company (U 39E) for Approval of an Amendment of its Power Purchase Agreement With Starwood Power-Midway, LLC* (“Application”) that PG&E is filing concurrently with this Motion.

II. THE MATERIALS PG&E SEEKS TO FILE UNDER SEAL ARE PROTECTED UNDER CONFIDENTIALITY RULES THE COMMISSION ESTABLISHED IN D.06-06-066.

Section 583 provides that, “[n]o information furnished to the commission by a public utility. . . except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or commissioner in the course of a hearing or proceeding.”

In D.06-06-066 the Commission adopted rules and procedures governing the submission of confidential energy procurement information to the Commission. Appendix I of D.06-06-066 provides the Commission's matrix governing the confidentiality of energy procurement data provided by Investor-Owned Utilities ("IOUs"). D.06-06-066 instructed practitioners to look to confidentiality statutes such as Section 454.5(g), General Order ("GO") 66-C, and the Commission Rules on which to base an assertion of confidentiality.¹

In its subsequent decision on the issue of confidentiality, D.08-04-023, the Commission required 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 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.²

In addition, a party may seek confidential treatment of data not included in the Matrix pursuant to General Order ("GO") 66-C by filing a motion pursuant to Resolution ALJ-164.³

Attached hereto and incorporated herein by reference is a table that: (1) describes the material for which PG&E seeks confidential treatment; (2) states whether PG&E seeks confidentiality protection pursuant to D.06-06-066 and/or other authority; and (3) where PG&E seeks protection

¹ D.06-06-066, at page 28.

² D.06-06-066, Ordering Paragraph 2.

³ D.06-06-066, Ordering Paragraphs 3 and 4.

under D.06-06-066, the category or categories in the Matrix to which the data correspond. In the column labeled "PG&E's Justification for Confidential Treatment", PG&E explains why the material should be protected. In addition, where PG&E relies upon D.06-06-066, the attached matrix indicates that: (1) it is complying with the limitations on confidentiality specified in the Matrix for that type of data; (2) the information is not already public; and (3) the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

III. CONCLUSION.

For all the reasons described above and in the attached table, PG&E requests that the Commission grant this request to file the confidential, unredacted version of its Application under seal. As required by Rule 11.4(a), a Proposed Order granting this Motion is attached behind the table.

DATED: September 26, 2012

Respectfully submitted,

EVELYN C. LEE
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By: 
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PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
A.12-09-XXX Starwood Amendment
September 25, 2012

IDENTIFICATION OF CONFIDENTIAL INFORMATION

Redaction Reference	Listed in Matrix (Y/N)	Matrix Category	Comply with matrix limitation (Y/N)	Not already public (Y/N)	Cannot be aggregated, redacted or summarized (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
Confidential Appendix A – Amendment Summary and Analysis	Y	Item VII.B	Y	Y	Y	Appendix A consists of a description of confidential Amendment terms and an analysis of their value to PG&E and its customers. This information could be used by suppliers to structure future offers that result in higher procurement costs for PG&E and its customers. Specifically, it contains confidential price information, PG&E's proprietary forecast of market information, and confidential valuation of the benefits of the Amendment. This information could be used by suppliers to negotiate contract amendments or settlement terms that result in higher procurement costs for PG&E and its customers.	Confidential for three years following the date of initial deliveries under the Amended PPA.
Confidential Appendix B – Amendment	Y	Item VII.B	Y	Y	Y	Appendix B consists of the PPA Amendment. The Amendment is the commercial document between the buyer and seller and is protected from disclosure because it is an item identified as IOU Matrix Item VII B, "Contracts and Power Purchase Agreements Between Utilities and Non-Affiliated Third Parties."	Confidential for three years following the date of initial deliveries under the Amended PPA.

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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 for Leave to File Confidential Material Under Seal, filed June 19, 2012 in this proceeding (“Motion”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of the *Application of Pacific Gas and Electric Company (U 39E) for Approval of an Amendment of its Power Purchase Agreement with Starwood Power-Midway, LLC* (“Application”) are described in the table 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 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

**CERTIFICATE OF SERVICE
BY ELECTRONIC AND U. S. MAIL**

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, 77 Beale St., B30A, San Francisco, CA 94105-1814.

I am readily familiar with the business practice of Pacific Gas and Electric Company for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 26th day of September, 2012, I served a true copy of:

**MOTION OF
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)
FOR LEAVE TO FILE
CONFIDENTIAL MATERIAL UNDER SEAL
CONSISTENT WITH THE CONFIDENTIALITY PROTECTION OF
DECISION 06-06-0666 AND PUBLIC UTILITIES CODE § 583
AND [PROPOSED ORDER THERETO]**

- Electronic Mail:** By serving the enclosed document, via electronic mail transmission, to each of the parties with an electronic mail address listed on each of the official CPUC Service Lists for Docket No's. R.10.05.005 and R.11-03-012.
- By U. S. Mail:** By serving the enclosed document, via U. S. Mail, to each of the parties listed on the Official Service Lists for CPUC Docket No's. R.10.05.005 and R.11-03-012 without electronic mail addresses.
- By Messenger to:**

Mr. Edward F. Randolph, Director – Energy Division
CALIFORNIA PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

Joseph P. Como, Esq., Acting Director – DRA
CALIFORNIA PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
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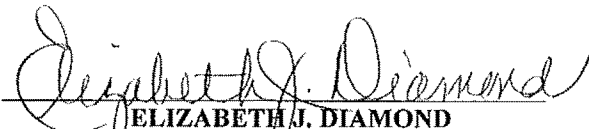
Commissioner President Michael R. Peevey
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ALJ Jessica T. Hecht
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505 Van Ness Avenue, 5th Floor
San Francisco, CA 94102

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 26th day of September, 2012 at San Francisco, California.


ELIZABETH J. DIAMOND