

**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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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.

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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