

**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 LIBERTY POWER HOLDINGS LLC FOR
LEAVE TO FILE CONFIDENTIAL MATERIAL UNDER SEAL**

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December 21, 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, Liberty Power Holdings LLC (“Liberty Power”) moves for leave to file its December 20, 2012 Renewables Portfolio Standard (“RPS”) Procurement Plan, submitted concurrently today, under seal. The public version of Liberty Power’s RPS Procurement Plan submitted today is redacted to maintain the confidentiality protections sought herein.

Those portions of Liberty Power’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 Liberty Power 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 page 6)	<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 Liberty Power is claiming confidentiality is not already public.

Liberty Power’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 Liberty Power-specific procurement requirements and Liberty Power’s current compliance position.

Accordingly, Liberty Power respectfully requests that the above identified portions of its December 20, 2012 RPS Procurement Plan be treated as confidential material and protected from public disclosure. Liberty Power requests that the data remain under seal until December 31,

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2015. Liberty Power also requests a ruling granting leave to file the confidential version of its RPS Procurement Plan under seal.

Dated: December 21, 2012

Respectfully submitted,



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[PROPOSED] RULING

On December 21, 2012, Liberty Power Holdings LLC (“Liberty Power”) filed a motion for leave to file certain material under seal. In particular, Liberty Power seeks seal of the confidential version of its Renewable Portfolio Standard Procurement Plan (“RPS Plan”).

The data which Liberty Power 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, Liberty Power’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 _____, 201_ at San Francisco, California

Administrative Law Judge

VERIFICATION

I am the attorney for Liberty Power Holdings LLC (“Liberty Power”) and am authorized to make this verification on its behalf. Liberty Power 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 December 21, 2012 at Sacramento, California.



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