

**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)

**DECLARATION OF JAMES BROWN IN SUPPORT OF
CONFIDENTIAL TREATMENT OF THE AMENDED DATA
SUBMITTED BY GEXA ENERGY CALIFORNIA, LLC
(ESP # 1383)
AS PART OF ITS
2011 PRELIMINARY ANNUAL 33% RPS COMPLIANCE REPORT**

I, James Brown, declare:

1. I am a Vice President for Gexa Energy California, LLC and authorized signatory for Gexa Energy California, LLC (“Gexa California”).
2. In this capacity, I have knowledge of the information contained in Gexa California’s 2011 Preliminary Annual 33% RPS Compliance Report.
3. I make this declaration in support of Gexa California’s Amended 2011 Preliminary Annual 33% RPS Compliance Report pursuant to Decision 06-06-066, as modified by Decision 08-04-023 (collectively, “Confidentiality Decisions”).
4. In the Confidentiality Decisions, the California Public Utilities Commission (“Commission”) adopted rules governing the confidentiality of certain electric procurement data submitted to the Commission by electric service providers (“ESPs”). In the modified ESP matrix attached to Decision 08-04-023, the Commission identified categories of information and the confidentiality protections to be applied to those categories.¹ To the extent information submitted to the Commission by an ESP matches a category of information contained in the ESP

¹ See D.08-04-023 at Appendix B.


Matrix, the information is entitled to the protection provided for that category of information by the ESP Matrix.²

Attached hereto and incorporated by reference is a table identifying data for which Gexa California is seeking confidential treatment. As required by Ordering Paragraph 2 of Decision 06-06-066, the table specifies:

1. That the material Gexa California 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 Gexa California 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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 28th day of December 2012, in Houston, Texas.


James Brown
Vice President
Gexa Energy California, LLC

²Decision 06-06-066, mimeo at 80 (Ordering Paragraph 2).

<p style="text-align: center;">GEXA ENERGY CALIFORNIA, LLC</p> <p style="text-align: center;">2011 PRELIMINARY ANNUAL 33% RPS COMPLIANCE REPORT</p> <p style="text-align: center;">IDENTIFICATION OF CONFIDENTIAL INFORMATION PER DECISION 06-06-066, as modified by D.08-04-023</p>						
Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 (Y/N)	2) Which category or categories in the Matrix do(es) the data correspond to:	3) That it is complying with the limitations on confidentiality specified in the Matrix for that type of data (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)	Gexa Energy California, LLC's Justification for Confidential Treatment
<p>Compliance Period Summary Tab: D9, D10, E9, E10, F9, F10, G9, G10, H11</p> <p>33% RPS Summary Tab: C10, C12, D10, D12, D13, E10, E12, F10, F12, F13</p> <p>Accounting Tab: C18, C21, D18, D21, D26, D79, E18, E21, F18, F21, G26, D79</p>	Y	Item IB, III-C	Y	Y	Y	<p>Historical and front two years of forecast of Gexa California's total energy requirements. This covers data from 2011 through 2013; accordingly, data is redacted for all years. Cell E11, Compliance Period Summary Tab Cell H11, and Accounting Tab Cells C21, D21, E21, and F21 are linked cells whose value would reveal this confidential data and therefore is also redacted.</p>