

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

Application of Pacific Gas and Electric
Company for Approval of an Amendment of
its Power Purchase Agreement with GenOn
Marsh Landing, LLC and for Authority to
Recover the Costs of the Amended Agreement
In Rates

U39E

Application No. 13-03-_____

**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, GENERAL ORDER 66-C AND
PUBLIC UTILITIES CODE § 583**

CHARLES R. MIDDLEKAUFF

Law Department
Pacific Gas and Electric Company
77 Beale Street, B30A
San Francisco, CA 94105
Telephone: (415) 973-6971
Facsimile: (415) 973-5520
E-Mail: CRMd@pge.com

Attorney for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: March 22, 2013

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

Application of Pacific Gas and Electric Company for Approval of an Amendment of its Power Purchase Agreement with GenOn Marsh Landing, LLC and for Authority to Recover the Costs of the Amended Agreement In Rates

U39E

Application No. 13-03-_____

**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, GENERAL ORDER 66-C AND
PUBLIC UTILITIES CODE § 583**

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 market sensitive 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 GenOn Marsh Landing, LLC and for Authority to Recover the Costs of the Amended Agreement in Rates* (“Application”) that PG&E is filing concurrently with this Motion.

II. THE MATERIALS PG&E SEEKS TO FILE UNDER SEAL ARE PROTECTED UNDER THE COMMISSION’S CONFIDENTIALITY RULES

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 GO 66-C by filing a motion pursuant to Resolution ALJ-164.^{3/}

^{1/} D.06-06-066, at p. 28.

^{2/} *Id.*, Ordering Paragraph 2.

^{3/} *Id.*, Ordering Paragraphs 3 and 4.

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 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.

Respectfully submitted,

By: /s/ Charles R. Middlekauff
CHARLES R. MIDDLEKAUFF

Law Department
Pacific Gas and Electric Company
77 Beale Street, B30A
San Francisco, CA 94105
Telephone: (415) 973-6971
Facsimile: (415) 973-5520
E-Mail: CRMd@pge.com

Attorney for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: March 22, 2013

PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
A.13-03-_____ Marsh Landing Amendment
March 22, 2013
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 General Order 66-C, Section 2.2	Y	Y	Y	Appendix A consists of a description of confidential Amendment terms, as well as the terms of the existing Power Purchase and Sale Agreement (“PPA”), and an analysis of costs and 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 General Order 66-C, Section 2.2	Y	Y	Y	Appendix B consists of the 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.

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

Application of Pacific Gas and Electric
Company for Approval of an Amendment of
its Power Purchase Agreement with GenOn
Marsh Landing, LLC and for Authority to
Recover the Costs of the Amended Agreement
In Rates

U39E

Application No. 13-03-_____

**[PROPOSED]
RULING GRANTING MOTION TO FILE UNDER SEAL**

In accordance with its Rules of Practice and Procedure, the assigned Administrative Law Judge has considered the Motion of Pacific Gas and Electric Company for Leave to File Confidential Material Under Seal, filed March 22, 2013 in this proceeding (“Motion”). The Administrative Law Judge 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 GenOn Marsh Landing, LLC and for Authority to Recover the Costs of the Amended Agreement in Rates* (“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, or the Administrative Law Judge then designated as Law and Motion Judge.

Dated _____, 2013 at San Francisco, California.

ADMINISTRATIVE LAW JUDGE