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June 11, 2013

ADVICE LETTER 2488- E-A

(San Diego Gas & Electric Company ID U 902-E)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SUBJECT: SUPPLEMENTAL FILING OF SDG&E's 2012 RPS SHORTLIST REPORT IN COMPLIANCE WITH ORDERING PARAGRAPH 19 OF DECISION (D.) 12-11-016

PURPOSE

In compliance with the California Public Utilities Commission's ("CPUC" or "Commission") Decision Conditionally Accepting 2012 Renewable Portfolio Standard Procurement Plans and Integrated Resource Plan Off-Year Supplement issued on November 14, 2012 (D.12-11-016), San Diego Gas & Electric Company ("SDG&E") files its Evaluation Criteria and Selection Process Report and Independent Evaluator's Report ("2012 RPS Shortlist Report").

Ordering Paragraph ("OP") 19 (Schedule for 2012 RPS Solicitation) of D.12-11-016 requires SDG&E to file its 2012 RPS Shortlist Report through a Tier 2 Advice Letter with the CPUC's Energy Division.

On June 7, 2013 SDG&E filed its 2012 RPS Shortlist with the CPUC's Energy division. The following attachments were filed:

Attachment A: Confidential Declaration

Attachment B: 2012 RPS RFO LCBF and Shortlist Narrative (Public Version)

Attachment E: 2012 RPS RFO Solicitation - Independent Evaluator (IE) Report (Public version)

Attachment F: 2012 RPS RFO Solicitation - Independent Evaluator (IE) Report (Confidential version)

SDG&E files the following documents via this Supplemental Advice Letter ("SAL") to fully comply with D.12-11-06:

BACKGROUND

In accordance with the direction provided in OP 2 of D.12-11-016, SDG&E filed its Final 2012 Renewable Portfolio Standard ("RPS") Procurement Plan (the "Plan") on November 29, 2012.

As outlined in the Plan, SDG&E issued its 2012 RPS Solicitation on December 10, 2012. SDG&E completed its bid evaluation and submitted its final shortlist to the Commission on May 8, 2013. The attached 2012 RPS Shortlist describes the evaluation methodology that SDG&E used to determine the shortlist and summarizes key statistics from the Request for Offers ("RFO").

CONFIDENTIALITY

Confidential treatment of specific materials is being requested. The information and reason(s) for confidential treatment is pursuant to Commission Decision D.06-06-066, as modified by D.07-05-032 and D.08-04-023. As directed by the CPUC's Energy Division, confidential information submitted in support of the D.12-11-016 is provided in the Confidential Attachment listed below:

Attachment C: 2012 RPS RFO LCBF and Shortlist Narrative (Confidential Version)

Attachment D: 2012 RPS RFO Solicitation Overview Worksheet (Confidential Version only)

These attachments contain market sensitive information protected pursuant to Commission Decision D.12-11-016, *et seq.*, as detailed in the concurrently-filed declaration. The following table represents the type of information contained within the confidential attachments and the matrix category under which D.06-06-066 permits the data to be protected.

Type of Information	D.06-06-066 Confidential Matrix Category
2012 RPS RFO LCBF and Shortlist Narrative	VIII.A and VIII.B
2012 RPS RFO Solicitation Overview Worksheet	VIII.A and VIII.B

EFFECTIVE DATE

This filing is subject to Energy Division disposition and should be classified as Tier 2 (effective pending disposition) pursuant to D.12-11-016 and GO 96-B. Since this Supplemental filing is being made in compliance with D. 12-11-016 SDG&E respectfully requests that it become effective on July 7, 2013, which is 30 days after filing date of the original advice letter.

PROTEST

Anyone may protest this advice letter to the California Public Utilities Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and received by June 27, 2013 which is 20 days of the date this advice letter was filed with the Commission. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

CPUC Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

Copies should also be sent via e-mail to the attention of the Energy Division at EDTariffunit@cpuc.ca.gov. It is also requested that a copy of the protest be sent via electronic

mail and facsimile to SDG&E on the same date it is mailed or delivered to the Commission (at the addresses shown below).

Attn: Megan Caulson
Regulatory Tariff Manager
8330 Century Park Court, Room 32C
San Diego, CA 92123-1548
Facsimile No. 858-654-1879
E-Mail: MCaulson@semprautilities.com

NOTICE

In accordance with General Order No. 96-B, a copy of this filing has been served on the utilities and interested parties shown on the attached list, including interested parties in A.08-07-017 and R.11-05-005, by either providing them a copy electronically or by mailing them a copy hereof, properly stamped and addressed.

Address changes should be directed to SDG&E Tariffs by facsimile at (858) 654-1879 or by e-mail to SDG&ETariffs@semprautilities.com.

CLAY FABER
Director – Regulatory Affairs

(cc list enclosed)

ATTACHMENTS:

Attachment A 1: Confidential Declaration
Attachment C: 2012 RPS RFO LCBF and Shortlist Narrative (Confidential Version)
Attachment D: 2012 RPS RFO Solicitation Overview Worksheet (Confidential Version only)

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **SAN DIEGO GAS & ELECTRIC (U 902)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Joff Morales

Phone #: (858) 650-4098

E-mail: jmorales@semprautilities.com

EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 2488-E-A

Subject of AL: Supplemental Filing of SDG&E's 2012 RPS Shortlist Report in Compliance with Ordering Paragraph 19 of Decision 12-11-016

Keywords (choose from CPUC listing): Procurement, Renewable

AL filing type: Monthly Quarterly Annual One-Time Other

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: None

Summarize differences between the AL and the prior withdrawn or rejected AL¹: N/A

Does AL request confidential treatment? If so, provide explanation: See confidential Declaration

Resolution Required? Yes No

Tier Designation: 1 2 3

Requested effective date: 7/7/2013

No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: None

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: None

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division

Attention: Tariff Unit

505 Van Ness Ave.,

San Francisco, CA 94102

EDTariffUnit@cpuc.ca.gov

San Diego Gas & Electric

Attention: Megan Caulson

8330 Century Park Ct, Room 32C

San Diego, CA 92123

mcaulson@semprautilities.com

¹ Discuss in AL if more space is needed.

General Order No. 96-B
ADVICE LETTER FILING MAILING LIST

cc: (w/enclosures)

Public Utilities Commission

DRA

Y. Schmidt
W. Scott

Energy Division

P. Clanon
S. Gallagher
H. Gatchalian
D. Lafrenz
M. Salinas

CA. Energy Commission

F. DeLeon
R. Tavares

Alcantar & Kahl LLP

K. Harteloo

American Energy Institute

C. King

APS Energy Services

J. Schenk

BP Energy Company

J. Zaiontz

Barkovich & Yap, Inc.

B. Barkovich

Bartle Wells Associates

R. Schmidt

Braun & Blaising, P.C.

S. Blaising

California Energy Markets

S. O'Donnell
C. Sweet

California Farm Bureau Federation

K. Mills

California Wind Energy

N. Rader

CCSE

S. Freedman
J. Porter

Children's Hospital & Health Center

T. Jacoby

City of Chula Vista

M. Meacham
E. Hull

City of Poway

R. Willcox

City of San Diego

J. Cervantes
G. Lonergan
M. Valerio

Commerce Energy Group

V. Gan

Constellation New Energy

W. Chen

CP Kelco

A. Friedl

Davis Wright Tremaine, LLP

E. O'Neill
J. Pau

Dept. of General Services

H. Nanjo
M. Clark

Douglass & Liddell

D. Douglass
D. Liddell
G. Klatt

Duke Energy North America

M. Gillette

Dynegy, Inc.

J. Paul

Ellison Schneider & Harris LLP

E. Janssen

Energy Policy Initiatives Center (USD)

S. Anders

Energy Price Solutions

A. Scott

Energy Strategies, Inc.

K. Campbell
M. Scanlan

Goodin, MacBride, Squeri, Ritchie & Day

B. Cragg
J. Heather Patrick

J. Squeri

Goodrich Aerostructures Group

M. Harrington

Hanna and Morton LLP

N. Pedersen

Itsa-North America

L. Belew

J.B.S. Energy

J. Nahigian

Luce, Forward, Hamilton & Scripps LLP

J. Leslie

Manatt, Phelps & Phillips LLP

D. Huard
R. Keen

Matthew V. Brady & Associates

M. Brady

Modesto Irrigation District

C. Mayer

Morrison & Foerster LLP

P. Hanschen

MRW & Associates

D. Richardson

OnGrid Solar

Andy Black

Pacific Gas & Electric Co.

J. Clark
M. Huffman
S. Lawrie
E. Lucha

Pacific Utility Audit, Inc.

E. Kelly

R. W. Beck, Inc.

C. Elder

School Project for Utility Rate
Reduction

M. Rochman

Shute, Mihaly & Weinberger LLP

O. Armi

Solar Turbines

F. Chiang

Sutherland Asbill & Brennan LLP

K. McCrea

Southern California Edison Co.

M. Alexander

K. Cini

K. Gansecki

H. Romero

TransCanada

R. Hunter

D. White

TURN

M. Florio
M. Hawiger

UCAN

M. Shames

U.S. Dept. of the Navy

K. Davoodi

N. Furuta

L. DeLacruz

Utility Specialists, Southwest, Inc.

D. Koser

Western Manufactured Housing
Communities Association

S. Dey

White & Case LLP

L. Cottle

Interested Parties

A.08-07-017

R.11-05-005

San Diego Gas & Electric Advice Letter 2488-E-A
June 11, 2013

CONFIDENTIAL DECLARATION

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

**DECLARATION OF MARIA I. BOLDYREVA
REGARDING CONFIDENTIALITY OF CERTAIN DATA**

I, Maria I. Boldyreva, do declare as follows:

1. I am Energy Procurement Advisor in the Electric & Fuel Procurement Department for San Diego Gas & Electric Company (“SDG&E”). I have reviewed the following materials being provided to the CPUC regarding SDG&E’s 2012 RPS Shortlist Report (“2012 RPS Shortlist”):

- 2012 RPS RFO LCBF and Shortlist Narrative (Attachment C);
- 2012 RPS RFO Solicitation Worksheet, excel spreadsheet titled “SDG&E 2012 RFO Worksheet.xlsx”(Attachment D);

In addition, I am personally familiar with the facts and representations in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or belief.

2. I hereby provide this Declaration in accordance with D.06-06-066^{1/} and D.08-04-023 to demonstrate that the confidential information (“Protected Information”) provided in the 2009 RPS Shortlist submitted concurrently herewith (described below) falls within the scope of data protected as confidential pursuant to the IOU Matrix attached to the Commission’s confidentiality decision, D.06-06-066 (the “IOU Matrix”) and/or under relevant statutory provisions.^{2/}

^{1/} As amended by D.07-05-032.

^{2/} The Matrix is derived from the statutory protections extended to non-public market sensitive and trade secret information. (See D.06-06-066, *mimeo*, note 1, Ordering Paragraph 1). The Commission is obligated to act in a manner consistent with applicable law. The analysis of protection afforded under the Matrix must always produce a result that is consistent with the relevant underlying statutes; if

3. In D.06-06-066, the Commission adopted rules governing confidentiality of certain categories of electric procurement data submitted to the Commission by investor owned utilities (“IOUs”) and energy service providers (“ESPs”). The Commission established two matrices – one applicable to IOUs, the other to ESPs – setting forth categories and sub-categories of data and providing a confidentiality designation for each.^{3/}

4. To the extent information matches a Matrix category, it is entitled to the protection the Matrix provides for that category of information. In addition, the Commission has made clear that information must be protected where “it matches a Matrix category exactly . . . or consists of information from which that information may be easily derived.”^{4/} In order to claim the protection afforded by the relevant Matrix, the party seeking confidential treatment must establish:

- 1) That the material it 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 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.^{5/}

information is eligible for statutory protection, it must be protected under the Matrix. (*See Southern California Edison Co. v. Public Utilities Comm.* 2000 Cal. App. LEXIS 995, *38-39) Thus, by claiming applicability of the Matrix, SDG&E relies upon and simultaneously claims the protection of applicable statutory provisions including, but not limited to, Public Utilities Code §§ 454.5(g) and 583, Govt. Code § 6254(k) and General Order 66-C.

^{3/} See, D.06-06-066, as amended by D.07-05-032, *mimeo*, Appendices 1 and 2.

^{4/} See, *Administrative Law Judge’s Ruling on San Diego Gas & Electric Company’s April 3, 2007 Motion to File Data Under Seal*, issued May 4, 2007 in R.06-05-027, p. 2 (emphasis added).

^{5/} D.06-06-066, as amended by D.07-05-032, *mimeo*, p. 81, Ordering Paragraph 2.

5. SDG&E's Protected Information: The Protected Information, consisting of the information described below, is protected pursuant to the following Matrix categories:

2012 RPS Shortlist Report

Description of Data	Matrix Category	Period of Confidentiality
<p>Attachment C <i>2012 RPS RFO LCBF and Shortlist Narrative, Section 3: "LCBF Template: IOU Written Description of RPS Offer and Selection Process and Criteria".</i></p> <ul style="list-style-type: none"> • Section II.C • Section IV.C through F • Section IV <p><i>2012 RPS RFO LCBF and Shortlist Narrative, Section: "Solicitation Overview Template".</i></p> <ul style="list-style-type: none"> • Section VI. 1 and 2 • Section VI. 5 	<p>VII.H</p>	<p>Score sheets, analyses, evaluations of proposed PRS Projects confidential for three years.</p>
<p>Attachment C <i>2012 RPS RFO LCBF and Shortlist Narrative, Section 3: "LCBF Template: IOU Written Description of RPS Offer and Selection Process and Criteria".</i></p> <ul style="list-style-type: none"> • Section II.C • Section IV.C through F • Section IV <p><i>2012 RPS RFO LCBF and Shortlist Narrative, Section: "Solicitation Overview Template".</i></p> <ul style="list-style-type: none"> • Section VI. 1 and 2 • Section VI. 5 	<p>VIII.A</p>	<p>Raw Bid Data – Always confidential.</p> <p>Summaries of bids total MW, MWH, technology types, etc) are confidential until final contracts are submitted to CPUC for approval.</p>

<p>Attachment C 2012 RPS RFO LCBF and Shortlist Narrative, Section 3: "LCBF Template: IOU Written Description of RPS Offer and Selection Process and Criteria".</p> <ul style="list-style-type: none"> • Section II.C • Section IV.C through F • Section IV <p>2012 RPS RFO LCBF and Shortlist Narrative, Section: "Solicitation Overview Template".</p> <ul style="list-style-type: none"> • Section VI. 1 and 2 • Section VI. 5 	<p>VIII.B</p>	<p>Confidential for three years after winning bidders selected.</p>
<p>Attachment D 2012 RPS RFO Solicitation Worksheet, excel spreadsheet titled "SDG&E 2012 RFO Worksheet.xlsx".</p>	<p>VII.H</p>	<p>Score sheets, analyses, evaluations of proposed PRS Projects confidential for three years.</p>
<p>Attachment D 2012 RPS RFO Solicitation Worksheet, excel spreadsheet titled "SDG&E 2012 RFO Worksheet.xlsx". Bid Information including, but not limited to:</p> <ul style="list-style-type: none"> - Bidder and Project Name - Quantities (MW, MWH) - Levelized bid prices - Start date - Term - Technology - Capacity factor - RPS Percentage 	<p>VIII.A</p>	<p>Raw Bid Data - Always confidential.</p> <p>Summaries of bids total MW, MWH, technology types, etc) are confidential until final contracts are submitted to CPUC for approval.</p>
<p>Attachment D 2012 RPS RFO Solicitation Worksheet, excel spreadsheet titled "SDG&E 2012 RFO Worksheet.xlsx". Least-Cost Best-Fit Elements</p>	<p>VIII.B</p>	<p>Confidential for three years after winning bidders selected.</p>

including, but not limited to: - Shortlisting and Rejecting Rational (“Why”, “Why Not”) - LCBF Rank - TOD Adjustment Adder - TRCR Adder - RA Capacity Credit - Congestion Adder - Bid Ranking Price - Viability Scores		
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6. The Commission previously considered and approved application of IOU Matrix confidentiality protection to project development status data in its *Administrative Law Judge’s Ruling Granting San Diego Gas & Electric Company’s May 21, 2007 Amendment to April 3, 2007 Motion and May 22, 2007 Amendment to August 1, 2006 Motion*, issued June 28, 2007 in R.06-05-027.

7. SDG&E intends to comply with the limitations on confidentiality specified in the Matrix for the type of data that is provided herewith.

8. I am not aware of any instance of public disclosure of the Protected Information.

9. The Protected Information cannot be provided in a form that is further aggregated, redacted, or summarized and still provide the level of detail requested and expected by the Energy Division.

10. As an alternative basis for requesting confidential treatment, SDG&E submits that the project status information provided in the 2012 RPS Shortlist is material, market sensitive, electric procurement-related information protected under §§ 454.5(g) and 583, as well as trade secret information protected under Govt. Code § 6254(k), and

that the disclosure of this information would place SDG&E at an unfair business disadvantage, thus triggering the protection of G.O. 66-C.^{6/}

11. Public Utilities Code § 454.5(g) provides:

The commission shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information submitted in an electrical corporation's proposed procurement plan or resulting from or related to its approved procurement plan, including, but not limited to, proposed or executed power purchase agreements, data request responses, or consultant reports, or any combination, provided that the Office of Ratepayer Advocates and other consumer groups that are nonmarket participants shall be provided access to this information under confidentiality procedures authorized by the commission.

12. General Order 66-C protects “[r]eports, records and information requested or required by the Commission which, if revealed, would place the regulated company at an unfair business disadvantage.”

13. Under the Public Records Act, Govt. Code § 6254(k), records subject to the privileges established in the Evidence Code are not required to be disclosed.^{7/} Evidence Code § 1060 provides a privilege for trade secrets, which Civil Code § 3426.1 defines, in pertinent part, as information that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure.

^{6/} This argument is offered in the alternative, not as a supplement to the claim that the data is protected under the IOU Matrix. California law supports the offering of arguments in the alternative. *See, Brandolino v. Lindsay*, 269 Cal. App. 2d 319, 324 (1969) (concluding that a plaintiff may plead inconsistent, mutually exclusive remedies, such as breach of contract and specific performance, in the same complaint); *Tanforan v. Tanforan*, 173 Cal. 270, 274 (1916) (“Since . . . inconsistent causes of action may be pleaded, it is not proper for the judge to force upon the plaintiff an election between those causes which he has a right to plead.”)

^{7/} *See also* Govt. Code § 6254.7(d).

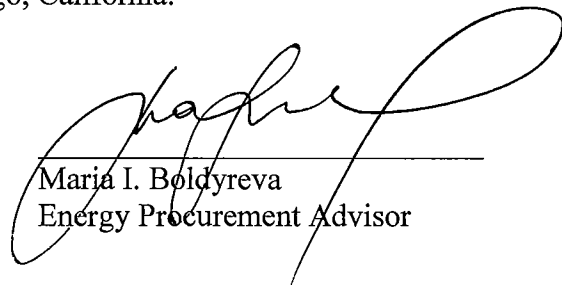
14. Public Utilities Code § 583 establishes a right to confidential treatment of information otherwise protected by law.^{8/}

15. If disclosed, the Protected Information could provide parties with whom SDG&E is currently negotiating insight into SDG&E's procurement options, which would unfairly undermine SDG&E's negotiation position and could ultimately result in increased cost to ratepayers. In addition, if developers mistakenly perceive that SDG&E is not committed to assisting their projects, disclosure of the Protected Information could act as a disincentive to developers. Accordingly, pursuant to P.U. Code § 583, SDG&E seeks confidential treatment of this data, which falls within the scope of P.U. Code § 454.5(g), Evidence Code § 1060 and General Order 66-C.

16. In accordance with the statutory provisions described herein, SDG&E hereby requests that the information set forth in the 2012 RPS Shortlist be protected from public disclosure.

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

Executed this 11th day of June, 2013, at San Diego, California.



Maria I. Boldyreva
Energy Procurement Advisor

^{8/} See, D.06-06-066, *mimeo*, pp. 26-28.

San Diego Gas & Electric Advice Letter 2488-E-A
June 11, 2013

Attachment C
2012 RPS RFO AND SHORTLIST NARRATIVE
(Confidential Version)

San Diego Gas & Electric Advice Letter 2488-E-A
June 11, 2013

Attachment D
**2012 RPS RFO SOLICITATION OVERVIEW
WORKSHEET**
(Confidential Version)