

**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 COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO
FILE CONFIDENTIAL MATERIAL(S) UNDER SEAL; CONFIDENTIAL
MATERIAL(S) ATTACHED AND FILED UNDER SEAL**

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Dated: June 27, 2013

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Program

Rulemaking 11-05-005
(Filed May 5, 2011)

**MOTION OF COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE
UNREDACTED VERSION OF ITS 2013 RPS PROCUREMENT PLAN UNDER SEAL;
CONFIDENTIAL MATERIALS ATTACHED AND FILED UNDER SEAL**

Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04023, Commercial Energy of California (“Commercial”) hereby files this Motion for leave to file its 2013 Renewables Portfolio Standard Procurement Plan (“RPS Plan”) under seal. This Motion is being served and filed concurrently with Commercial’s public version of the RPS Plan.

In D.06-06-006, the Commission adopted rules regarding the confidentiality of electric procurement data required to be submitted to the Commission by Electric Service Providers. Specifically, the ESP Matrix specifies the confidential treatment to be afforded to certain categories of data. As set forth below, Commercial’s RPS Plan contains market sensitive information, and should be protected from public disclosure. The information provided below uses the format specified in the “Matrix of Allowed Confidential Treatment Energy Service Provider (ESP) Data” under the provisions of D. 06-06-066, as modified in D. 08-04-023.

To the extent information provided matches a Matrix category it is entitled to the protections the Matrix provides for that category of information. In addition, the Commission has established that information that does not fall within a matrix category must be protected where it “consists of information from which that information may be easily derived.” 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) To which category or categories in the Matrix the data corresponds;
- 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 publicly available; and
- 5) That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Portions of the information contained in Appendix A of Commercial’s RPS Plan, as specified in the table below, is eligible for confidential treatment under the provisions of D.06-06-066 and the "Matrix of Allowed Confidential Treatment Energy Service Provider (ESP) Data" adopted in that decision, and as modified in D.08-04-023. Accordingly, Commercial hereby affirms that the following RPS-related compliance data is confidential and that the Commission should afford it confidential treatment in order to prevent the material harm that loss of confidentiality may cause to Commercial and its customers.

| <i>Spread Sheet Location</i> | <i>Type of Data</i> | <i>Matrix Category</i> |
|------------------------------|---|--|
| Cells C2:E2, C4:I4, C10:I10 | Retail sales (MWhs) for prior year, current year and 3 years of actual retail sales, forecasts and procurement targets for same “window of confidentiality” period. | I – Renewables Portfolio Standard (RPS) Information A) RPS Compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years |

| | | |
|-------------|---|---|
| | | of forecast retail sales and historical retail sales and supply data (MWh) would reveal entire net short of ESP, including information that could be used to extrapolate this information. |
| Cells C5:19 | Other RPS Contract Terms confidential for three years or until one year after expiration, whichever comes first | I – Renewables Portfolio Standard (RPS) Information C) RPS Contracts: All information not including resource type, location, capacity, expected deliveries, delivery point, length of contract and online date confidential for three years or until one year following expiration, whichever comes first. |

Commercial further affirms that the data for which Commercial is claiming confidentiality is not already public, and that the confidentiality of the data for which Commercial is claiming confidentiality would not be compromised if it were first aggregated with the equivalent data of all other load serving entities before being made public. Other than by the aforesaid process, the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Commercial therefore requests, in accordance with the confidential treatment afforded in D.06-06-066, D.08-04-023 and the ESP Matrix, that the Commission grant confidential

treatment to the data specified in the table above. As required, a Proposed Order is attached to this motion.

Respectfully Submitted,

/s/ Patrick VanBeek
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VERIFICATION

I am an officer of Commercial Energy of California and am authorized to make this verification of its behalf. 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 forgoing is true and correct, and that this verification is executed on this 27 day of June, 2013 at Oakland, California.

/s/ Patrick VanBeek
Patrick VanBeek
Director of Client Services
Commercial Energy of California, Inc.

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Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04023, Commercial Energy of California (“Commercial”), a registered electric service provider, (“ESP”) filed a Motion on June XX, 2013 for leave to file its 2013 Renewables Portfolio Standard Procurement Plan (“RPS Plan”) under seal. This ruling grants the Motion:

Accordingly, it is ordered that:

1. The confidential information contained in Commercial’s RPS Plan shall remain sealed and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned Administrative Law Judge (“ALJ”) or an ALJ designated to decide this motion.
2. Further proceedings, if any, held with respect to matters contained in the confidential data shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the data described herein;
3. Non-market participants may request access to the confidential information pursuant to applicable rules; and

4. All additional documentary evidence in this proceeding that addresses or relates to the confidential data must be treated in the confidential manner described in paragraphs 1 and 2, above.

Administrative Law Judge

Dated: _____