

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

Order Instituting Rulemaking to Continue	)	
Implementation and Administration of California	)	Rulemaking 11-05-005
Renewables Portfolio Standard Program.	)	(Filed May 5, 2011)
_____	)	

**MOTION OF PILOT POWER GROUP, INC. FOR LEAVE TO FILE UNREDACTED  
VERSION OF ITS 2013 RPS PROCUREMENT PLAN UNDER SEAL;  
CONFIDENTIAL MATERIALS ATTACHED AND FILED UNDER SEAL**

June 14, 2013

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

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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, Pilot Power Group, Inc. (“Pilot Power”) hereby files this Motion For Leave To File 2013 RPS Procurement Plan (“2013 Plan”) Under Seal (“Motion”). This Motion is being served and filed concurrently with Pilot Power’s Public Version of the 2013 Plan. By this Motion, Pilot Power requests that the Commission issue its order granting Pilot Power leave to file the 2013 Plan under seal.

This Motion is made pursuant to Public Utilities Code Section 454.5(g) and Decision No. (“D.”) 06-06-066. As set forth below, the 2013 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 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.” 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.

Certain information contained in Exhibit A to the subject 2013 Plan, as specified herein, is eligible for confidentiality treatment under the provisions of D.06-06-066 and the "Matrix of Allowed Confidential Treatment Energy Service Provider (ESP) Data" adopted in the aforesaid decision, as modified in D.08-04-023. With this fact in mind, the undersigned hereby declares that the following RPS-related compliance data is confidential and the Commission is obligated to protect it so as to avoid material harm to Pilot Power and its customers.

<b>Description of Data</b>	<b>Spreadsheet Location</b>	<b>D.06-06-066 Requirements</b>	<b>Explanation</b>
<b>Bundled Retail Sales (MWh)</b>	Cells C3-F3	Demonstrate that submitted material constitutes type of data listed in the Matrix	These are PPG's prior year and forecast retail sales and need to be kept confidential
		Identify the Matrix category (or categories) to which data correspond.	I.A; I.B

		Affirm compliance with limitations on confidentiality specified in the Matrix.	Consistent with the Matrix, PPG requests that its prior year's retail sales and the first three years of its forecasted retail sales be kept confidential so as not to reveal its net short.
		Affirm information is not already public	This information is not already public
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs could be made public without serious risk of harm.
<b>Procurement Quantity Requirement (“PQR”) (MWh)</b>	Cells C5-F5; B38-C38	Demonstrate that submitted material constitutes type of data listed in the Matrix	Since PPG's PQR (MWh) is derived by a formula that is linked to retail sales, disclosure of PQR (MWh) data would permit calculation of PPG's retail sales.
		Identify the Matrix category (or categories) to which data correspond.	I.A; I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix	Consistent with the Matrix, PPG requests that its prior year's retail sales and the first three years of its forecasted retail sales be kept confidential so as not to reveal its net short
		Affirm information is not already public	This information is not already public

		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs could be made public without serious risk of harm
<b>Net Short (MWh)</b>	Cells C14-F17; B40-C41	Demonstrate that submitted material constitutes type of data listed in the Matrix	The Matrix specifically protects an ESP's Net Short.
		Identify the Matrix category (or categories) to which data correspond.	I.A; I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix	Consistent with the Matrix, PPG requests that its prior year's and the first three years of its net short be kept confidential.
		Affirm information is not already public	This information is not already public
		State whether data can be protected in a way that would allow partial disclosure.	Aggregated data of all ESPs could be made public without serious risk of harm

For the reasons stated herein, Pilot Power demonstrates that the confidential information provided in Exhibit A of the 2013 Plan falls within the scope of data protected as confidential pursuant to the ESP Matrix or consists of information from which that information may be easily derived. Accordingly, Pilot Power moves the Commission for an order directing that the

confidential market-sensitive information contained in Exhibit A to the 2013 Plan, shall be placed under seal and shall not be disclosed to anyone other than the Commission and its staff.

A proposed form of order is attached.

Respectfully submitted,

June 14, 2013

/s/ Thomas R. Darton

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**PROPOSED RULING**

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

Order Instituting Rulemaking to Continue  
Implementation and Administration of California  
Renewables Portfolio Standard Program

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

**ORDER**

On June 14, 2013, Pilot Power Group, Inc. (“Pilot Power”) filed its Motion (“Motion”) For Leave To File 2013 RPS Procurement Plan (“2013 Plan”) under seal, seeking an order granting leave to file the 2013 Plan under seal. In accordance with the Commission’s Rules of Practice and Procedure, the Commission has considered Pilot Power’s Motion. This ruling grants the Motion.

Accordingly, it is ORDERED that:

1. The confidential information contained in Pilot Power’s 2013 RPS Procurement 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 information shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the materials 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 subject matter of the confidential information must be treated in the confidential manner described in paragraphs 1 and 2, above.

Dated \_\_\_\_\_, 2013, at San Francisco, California.

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Administrative Law Judge



## VERIFICATION

I am an officer of Pilot Power Group, Inc. and am authorized to make this verification on its behalf. The matters stated in the foregoing **MOTION OF PILOT POWER GROUP, INC. FOR LEAVE TO FILE UNREDACTED VERSION OF ITS 2013 RPS PROCUREMENT PLAN UNDER SEAL; CONFIDENTIAL MATERIALS ATTACHED AND FILED UNDER SEAL** are true of my own personal knowledge, except as to matters that are stated on information or belief, which statements I believe to be true.

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 on June 14, 2013 at San Diego, CA

/s/ Thomas R. Darton

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