

**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 an Energy Procurement Advisor in the Electric & Gas Procurement Department for San Diego Gas & Electric Company (“SDG&E”). I have reviewed SDG&E’s 2012 Preliminary Annual 33% RPS Compliance Report (the “RPS Compliance Report”) with accompanying Narrative Reporting Requirements (the “Narrative Requirements”). 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, *et seq.* to demonstrate that the confidential information (“Protected Information”) provided in the 33% RPS Compliance Report and Narrative Requirements fall 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.^{1/}

^{1/} The Matrix is derived from the statutory protections extended to non-public market sensitive and trade secret information. (See D.06-06-066, *mimeo*, 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 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. 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.^{2/}

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.”^{3/} 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.^{4/}

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

^{3/} 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).

^{4/} D.06-06-066, as amended by D.07-05-032, *mimeo*, p. 81, Ordering Paragraph 2.

5. The Protected Information, consisting of the information described below, is protected pursuant to the following Matrix categories:^{5/}

a) RPS Compliance Report

Data at issue	D.06-06-066 Matrix Requirements	How moving party meets requirements
<i>Bundled Retail Sales; Tabs/Cells: "Compliance Period Summary" – F9 through G9; "33% RPS Progress Summary" – E10 through H10; "Accounting" – E18 through H18.</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This data is SDG&E's forecast of its bundled customer total energy requirements.
	Identify the Matrix category or categories to which the data corresponds	This information is protected under IOU Matrix category V.C. - years 2013-2016.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the current year projection and the "front three years" of this information be kept confidential.
	Affirm that the information is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	The information was provided in the form required by the Energy Division. It would not be possible to provide a complete response if the data were to be aggregated, redacted, summarized or masked.

^{5/} See also, *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; its subsequent *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; and its *Administrative Law Judge's Ruling On (a) SDG&E's Motions Regarding Seal of August 2007 Compliance Report and Amended 2008 RPS Plan Plus (b) Possible Content Of Future Motions*, issued March 26, 2008 in R.06-05-027.

<p><i>Procurement Quantity Requirement (Forecast);</i> Tabs/Cells: “Compliance Period Summary” – F10 through G10 and F12 through H12 and H11; “33% RPS Progress Summary” – C12 through H12; “Accounting” – E21-H21.</p>	<p>Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix</p>	<p>Since Procurement Quantity Requirement (Forecast) is a formula linked to Bundled Retail Sales Forecasts, disclosure would allow interested parties to easily calculate SDG&E’s Total Energy Forecast – Bundled Customer (MWH).</p>
	<p>Identify the Matrix category or categories to which the data corresponds</p>	<p>This information is protected under IOU Matrix category V.C. – 2013-2016.</p>
	<p>Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data</p>	<p>In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the current year projection and the “front three years” of this information be kept confidential.</p>
	<p>Affirm that the information is not already public</p>	<p>SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.</p>
	<p>Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.</p>	<p>The information was provided in the form required by the Energy Division. It would not be possible to provide a complete response if the data were to be aggregated, redacted, summarized or masked.</p>

<p><i>Portfolio Content Category and Balance Requirements, Contracts Breakdown by Category and Contract Classification Details;</i> <i>Tabs/Cells:</i> “Compliance Period Summary”– F12 through H12; columns F through G, rows 38 through 41; “33% RPS Progress Summary” columns E through H, rows 39 through 42; chart “Portfolio Content Category Mix of RPS Procurement” years 2013 through 2016; “Accounting” columns C through E, rows 39 through 45; “Procurement Detail” columns G through J, rows 10 through 13 and 20, and 21, column AB, rows 44 through 134.</p>	<p>Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix</p>	<p>Procurement Summary Executed Contracts Breakdown by Category and Contract Classification Details contains information related to the SDG&E’s specific RPS Position by the Product Category, which is considered Strategic Procurement Information.</p>
	<p>Identify the Matrix category or categories to which the data corresponds</p>	<p>This information is protected under IOU Matrix category IX.</p>
	<p>Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data</p>	<p>In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that this information be kept confidential.</p>
	<p>Affirm that the information is not already public</p>	<p>SDG&E has not publicly disclosed information regarding aggregate procurement within each content category and is not aware that it has been disclosed by any other party.</p>
	<p>Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.</p>	<p>The information was provided in the form required by the Energy Division. It would not be possible to provide a complete response if the data were to be aggregated, redacted, summarized or masked.</p>

b) Narrative Requirements

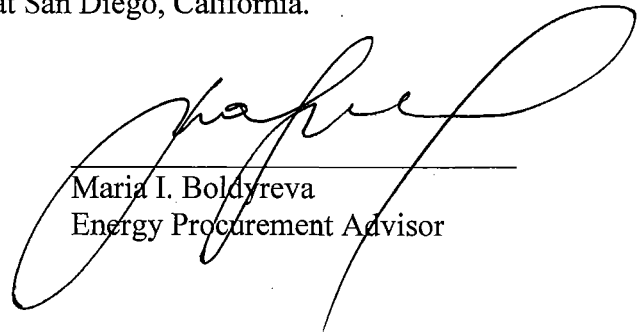
<p><i>Narrative Requirements Spreadsheet;</i> Tabs/Cells: “Siting and Permitting” – column F, rows 8 through 39.</p>	<p>Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix</p>	<p>Information associated with the status of eligible renewable energy resources that have not yet attained their commercial on-line dates. The eligible renewable energy resources presently developing – August 1, 2013 tables set forth analysis based on SDG&E’s and Developer’s assessment of individual RPS projects.</p>
	<p>Identify the Matrix category or categories to which the data corresponds</p>	<p>This information is protected under IOU Matrix category VII.G.</p>
	<p>Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data</p>	<p>In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that this information be kept for three years.</p>
	<p>Affirm that the information is not already public</p>	<p>SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.</p>
	<p>Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.</p>	<p>The information was provided in the form required by the Energy Division. It would not be possible to provide a complete response if the data were to be aggregated, redacted, summarized or masked.</p>
<p><i>Portfolio Content Category and Contracts Breakdown by Category and Contract Classification Details;</i> Tabs/Cells: “Unbundled RECs” - columns A through N, rows 8 through 9.</p>	<p>Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix</p>	<p>Procurement Summary Executed Contracts Breakdown by Category and Contract Classification Details contains information related to the SDG&E’s specific RPS Position by the Product Category which is considered Strategic Procurement Information.</p>

	Identify the Matrix category or categories to which the data corresponds	This information is protected under IOU Matrix category IX.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that this information be kept confidential.
	Affirm that the information is not already public	SDG&E has not publicly disclosed information regarding aggregate procurement within each content category and is not aware that it has been disclosed by any other party.
<i>Monthly Procurement Costs, Classification Details; Tabs/Cells: “(2011) 36 Month Retirement” - columns D, F through J, rows 8 through 505. “(2012) 36 Month Retirement” – columns D, F through J, rows 8 through 557.</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	Generator WREGIS ID, monthly generation by the Contract, REC Retirement Date/Expiration contains information related to the SDG&E’s Monthly Procurement Cost and is considered confidential for three years.

	Identify the Matrix category or categories to which the data corresponds	This information is protected under IOU Matrix category XI.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that this information be kept confidential.
	Affirm that the information is not already public	SDG&E has not publicly disclosed information regarding aggregate procurement within each content category and is not aware that it has been disclosed by any other party.

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 1st day of August, 2013, at San Diego, California.



 Maria I. Boldyreva
 Energy Procurement Advisor