

**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 PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)  
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL IN ITS  
FINAL 2013 RENEWABLE ENERGY PROCUREMENT PLAN  
UNDER SEAL CONSISTENT WITH THE CONFIDENTIALITY  
PROTECTIONS OF DECISIONS 06-06-066 AND 08-04-023**

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Dated: December 4, 2013

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Pursuant to Rule 11.4 of this Commission’s Rules of Practice and Procedure and Decisions (“D.”) 06-06-066 and 08-04-023 governing confidentiality procedures, Pacific Gas and Electric Company (“PG&E”) files this motion for leave to file confidential electric procurement information and data under seal. The material PG&E seeks to protect is included in the confidential, unredacted version of PG&E’s Final 2013 Renewable Energy Procurement Plan (“Final 2013 RPS Plan”) that is being filed concurrently with this Motion.

In D.06-06-066 and D.08-04-023, the Commission adopted rules and procedures governing the submission of confidential electric procurement information to the Commission. In a Matrix, attached to D.06-06-066 as Appendix 1 (the “IOU Matrix”), the Commission established specific rules for Investor-owned Utilities (“IOUs”) governing the confidentiality of certain categories of data and information. D.08-04-023 requires 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 the IOU 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.<sup>1/</sup>

Attached hereto and incorporated herein by this reference is a matrix identifying the material for which PG&E is seeking confidential treatment. The matrix specifies that the material PG&E is seeking to protect constitutes the particular type of material listed in the IOU Matrix, or is otherwise protected pursuant to General Order 66-C. The matrix also specifies the category or categories in the IOU Matrix to which the data and information corresponds, and why confidential protection is justified. Finally, the matrix specifies whether: (1) PG&E is complying with the limitations specified in the IOU Matrix for data or information covered by the IOU Matrix; (2) the information is not already public; and (3) the data cannot be aggregated, redacted, summarized or otherwise protected in a way that allows partial disclosure. Because this information is embedded within PG&E's Final 2013 RPS Plan and it would be difficult to understand if only the pages containing the information were filed under seal, and because a duplicate public version of PG&E's Final 2013 RPS Plan is being served concurrently with only the confidential material redacted, the entire document containing the protected information should be filed under seal.

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<sup>1/</sup> D.06-06-066, p. 80, Ordering Paragraph No. 2.

For all the reasons described above and in the attached matrix, PG&E requests that the Commission grant PG&E's motion to file the confidential, unredacted version of its Final 2013 RPS Plan under seal. As required by Rule 11.4(a), a proposed order granting this Motion is attached behind the matrix.

Respectfully submitted,

CHARLES R. MIDDLEKAUFF  
M. GRADY MATHAI-JACKSON

By: /s/ M. Grady Mathai-Jackson  
M. GRADY MATHAI-JACKSON

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PACIFIC GAS AND ELECTRIC COMPANY

Dated: December 4, 2013

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Redaction Reference	1) The material submitted constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066 and Appendix C to D.08-04-023 (Y/N)	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 (Y/N)	4) That the information is not already public (Y/N)	5) The data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure (Y/N)	PG&E's Justification for Confidential Treatment	Length of Time
<b>Document: Confidential 2013 Renewable Energy Procurement Plan (Final Version)</b>							
<b>RPS Plan - Main Document</b>  Gray shading on pages 23-25, 98, 99, 101-102,  Gray shading in Table 12-1 pages 105 (rows 1, 2, 6, 7 and 8), and 106 (rows 2, 6, and 8)	Yes	Items II(B)(3) and II(B)(4): Generation Cost Forecasts of QF Contracts and Non-QF bilateral contracts  Item V(C): LSE Total Energy Forecast Bundled	Yes	Yes	Yes	The redacted information on these pages indicates the generation cost forecasts of QF contracts and non-QF bilateral contracts. As directed in Ordering Paragraph 19 of D.13-11-024, PG&E has only redacted aggregated cost	Items II(B)(3) and (4): Confidential for three years. Public by resource category (e.g., fossil, wind, solar, hydro-electric, etc.) after three years.  Item V(C): Front three years.

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		Customer (MWh)				information that, if revealed, would allow the calculation of cost information for a single RPS contract that is covered by the Commission's confidentiality decisions using other information made public in the Plan.  Row 7 of Table 12-1 on page 109 is redacted to protect the front three years of PG&E's internal and proprietary forecast of its bundled customer total energy requirements.	
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<p><b>Appendix 1 - Quantitative Information:</b> Net Short Calculations Using PG&amp;E Bundled Retail Sales Forecast In Near Term (2013 - 2017) and LTPP Methodology (2018 - 2030)</p> <p>Lines 4-9, 29-34, years 2013-2016;          Lines 10 and 35, years 2013-2015;          Lines 16-21 and 41-46 years 2011-2016;          Line 22 and 47, years 2011-2013</p>	<p>Yes</p>	<p>Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)</p> <p>VI(B): Utility Bundled Net Open (Long or Short) Position for Energy</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>This information shows PG&amp;E's net position for RPS-eligible energy in the periods within the front three years of the forecast.</p> <p>The redacted information in Rows 4, 5, 9, 16, 17, 21, 29, 30, 34, 41, 42, and 46 could also be manipulated in conjunction with publicly-available information to determine PG&amp;E's internal and proprietary forecast of its bundled customer total energy requirements.</p>	<p>Front three years.</p>
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<p><b>Appendix 1A - Quantitative Information:</b>  Net Short Calculations Using PG&amp;E Bundled Retail Sales Forecast</p> <p>Lines 4-9, and 29-34, years 2013-2016;  Lines 10 and 35, years 2013-2015;  Lines 16-21 and 41-46, years 2011-2016;  Lines 22 and 47, years 2011-2013</p>	<p>Yes</p>	<p>Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)</p> <p>VI(B): Utility Bundled Net Open (Long or Short) Position for Energy</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>This information shows PG&amp;E's net position for RPS-eligible energy in the periods within the front three years of the forecast.</p> <p>The redacted information in Rows 4, 5, 9, 16, 17, 21, 29, 30, 34, 41, 42, and 46 could also be manipulated in conjunction with publicly-available information to determine PG&amp;E's internal and proprietary forecast of its bundled customer total energy requirements.</p>	<p>Front three years.</p>
<p><b>Appendix 2 - 2013 RPS Procurement Information Related to Cost Quantification</b></p> <p>Table 1 – Rows 11-12, 14, years 2011 – 2012</p>	<p>Yes</p>	<p>Item VII(G): Renewable Resource Contracts under RPS program - Contracts without SEPs</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Disclosure of this information would provide valuable market sensitive information to competitors because PG&amp;E has only one contract for Unbundled RECs, and if the redacted data were made public, the contract price would be revealed.</p>	<p>Confidential for three years, or until one year following expiration, whichever comes first.</p>



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<p><b>Appendix 2 - 2013 RPS Procurement Information Related to Cost Quantification</b></p> <p>Table 2 -  Row 13, years 2013-2016;  Row 27, years 2013-2016</p>	<p>Yes</p>	<p>Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Front three years of PG&amp;E's internal and proprietary forecast of its bundled customer total energy requirements.</p>	<p>Front three years.</p>
<p><b>Appendix 2 - 2013 RPS Procurement Information Related to Cost Quantification</b></p> <p>Table 2 -  Row 2 – years 2013-2024, 2029  Row 3, (years 2014-2030)</p> <p>Row 11, years 2013-2014;  Row 12, years 2015-2023;  Row 13, years 2013-2016;  Row 14, years 2015-2023;  2030</p> <p>Row 25, years 2013-2015;  Row 26, years 2013-2015;  Row 27, years 2013-2016;  Rows 28-29, years 2013-2015</p>	<p>Yes</p>	<p>Items II(B)(3) and II(B)(4):  Generation Cost Forecasts of QF Contracts and Non-QF bilateral contracts</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>The redacted information on these pages indicates the generation cost forecasts of QF contracts and non-QF bilateral contracts.</p> <p>As directed in Ordering Paragraph 19 of D.13-11-024, PG&amp;E has only redacted aggregated cost information that, if revealed, would allow the calculation of cost information for a single RPS contract that is covered by the Commission's confidentiality decisions using other information made public in the Plan.</p>	<p>Items II(B)(3) and (4): Confidential for three years. Public by resource category (e.g., fossil, wind, solar, hydro-electric, etc.) after three years.</p>

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<p><b>Appendix 4 - Status Update on All RPS Resources Under Contract but Not Yet Delivering Generation</b></p> <p>Column N (Expected/Actual Construction Start Date)</p>	<p>Yes</p>	<p>Item VII(F) Renewable Resource Contracts under RPS program - Contracts without SEPs; VII (G) Renewable Resource Contracts under RPS program - Contracts without SEPs</p>	<p>Yes</p>	<p>No. Some of the information in this column has previously been made public. However, PG&amp;E has changed its redaction criteria for information in this category and will use these new criteria on a going-forward basis to ensure consistency.</p>	<p>Yes</p>	<p>This data contains information regarding the terms of RPS PPAs between PG&amp;E and various counterparties. Disclosure of this information would provide valuable market sensitive information to competitors. Since negotiations are still in progress with bidders from the 2012 solicitation and with other counterparties, this information should remain confidential. Release of this information would be damaging to negotiations. Furthermore, the counterparties to the PPAs have an expectation that the terms of the PPAs and PSAs will remain confidential pursuant to confidentiality provisions in the PPAs.</p>	<p>For information covered under Item VII(F) and VII(G) remain confidential for three years, or until one year following expiration, whichever comes first.</p>
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<p><b>Appendix 4 - Status Update on All RPS Resources Under Contract but Not Yet Delivering Generation</b></p> <p>Gray shading in:</p> <p>Column H (Energy Delivery Status) - except rows 2, 9, 12, 30, 42, 45</p> <p>Column K (Financing Status)</p> <p>Column L (Permit Status) - except rows 2, 5-9, 12-13, 16-17, 21-32, 35-38, 41-42, 44-46, 50-52</p> <p>Column M (Guaranteed Construction Start Date)</p> <p>Column O (Construction Status) - except rows 9, 28, 30, 39, 46, 52</p> <p>Column P (Status of Interconnection Agreement) - except rows 2-3, 5, 8-9, 12-16, 18-19, 21, 23-30, 32-33, 37, 39,</p>	<p>No</p>	<p>No Matrix Item. Corresponds to General Order 66-C.</p>	<p>N/A</p>	<p>Yes</p>	<p>Yes</p>	<p>This data constitutes commercially sensitive, proprietary information that should be withheld from public disclosure under General Order 66-C paragraph 2.8. It includes, for example, whether a particular project is on schedule to meet its construction start date and its commercial operations date, whether a given project may have problems gaining necessary permits from the relevant agencies, the status of the developer's financing, interconnection, and network upgrades. There are several reasons why it is in the public interest to protect the confidentiality of this information.</p> <p>First, disclosure of this information could discourage developers from frankly communicating project status to PG&amp;E, and thus</p>	<p>Remain confidential until no longer protected pursuant to the provisions of G.O. 66-C.</p>
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42-47, 50-51  Column R (Expected or Actual COD)					undermine PG&E's ability to adequately monitor RPS development progress. Second, PG&E's counterparties oppose making this information public. If this information is not protected, developers may not respond to PG&E's solicitation for bids, impairing PG&E's ability to increase its procurement of renewable energy resources. In addition, release of this information may result in developers increasing project costs in the future to compensate them for competitive harm resulting from disclosure. It is also in the public interest to protect the confidentiality of this information to ensure a vibrant, viable competitive market for renewable energy supplies. Disclosure of this information would provide valuable market sensitive information to	
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						competitors and could damage negotiations by providing information about other potential renewables projects.	
<p><b>Appendix 9 - Redline of Final 2013 RPS Plan Against Draft RPS Plan dated June, 28, 2013 (Excluding appendices)</b></p> <p>Gray Shading on pages: 24-26, 104, and 107</p> <p>Gray Shading in Table 12-1: pages 111 (Rows 1, 2, 6, 7, and 8) and 112-13 (Rows 2, 6, and 8)</p>	Yes	<p>Items II(B)(3) and II(B)(4):            Generation Cost Forecasts of QF Contracts and Non-QF bilateral contracts</p> <p>Item V(C): LSE Total Energy Forecast Bundled Customer (MWh)</p>	Yes	Yes	Yes	<p>The redacted information on these pages indicates the generation cost forecasts of QF contracts and non-QF bilateral contracts.</p> <p>As directed in Ordering Paragraph 19 of D.13-11-024, PG&amp;E has only redacted aggregated cost information that, if revealed, would allow the calculation of cost information for a single RPS contract that is covered by the Commission's</p>	<p>Items II(B)(3) and (4): Confidential for three years. Public by resource category (e.g., fossil, wind, solar, hydro-electric, etc.) after three years.</p> <p>Item V(C): Front three years.</p>

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						<p>confidentiality decisions using other information made public in the Plan.</p> <p>Row 7 of Table 12-1 on page 111 is redacted to protect the front three years of PG&amp;E's internal and proprietary forecast of its bundled customer total energy requirements.</p>	
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(Filed May 5, 2011)

**[PROPOSED] RULING**

In accordance with its Rules of Practice and Procedure, the California Public Utilities Commission (“Commission”) has considered the motion of Pacific Gas and Electric Company (“PG&E”), filed December 4, 2013, for leave to file confidential materials under seal, namely certain information in the confidential, unredacted version of its Final 2013 RPS Plan (“Motion”). The Commission rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of PG&E’s Final 2013 RPS Plan are described in the matrix 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 staff except on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned Administrative Law Judge (“ALJ”), or the ALJ then designated as Law and Motion Judge.

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

\_\_\_\_\_  
Administrative Law Judge

## VERIFICATION

I am an employee of PACIFIC GAS AND ELECTRIC COMPANY, a corporation, and am authorized to make this verification on its behalf. I have read the foregoing “Motion Of Pacific Gas And Electric Company (U 39 E) For Leave To File Confidential Material In Its Final 2013 Renewable Energy Procurement Plan Under Seal Consistent With The Confidentiality Protections Of Decisions 06-06-066 And 08-04-023.” The statements in the foregoing document are true to 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 foregoing is true and correct.

Executed on this 4th day of December 2013 at San Francisco, California.

*/s/ Karen Khamou*

Karen Khamou  
Manager, Renewable Energy Policy and Planning  
Pacific Gas and Electric Company