

**DECLARATION OF JEDEDIAH J. GIBSON IN SUPPORT OF CLAIMS OF
CONFIDENTIALITY OF CONSTELLATION NEWENERGY, INC.**

I, Jedediah J. Gibson, declare as follows:

1. I am an attorney representing Constellation NewEnergy, Inc. (“CNE”) in this matter.
2. I have reviewed, or caused to be reviewed, the August 1, 2014 RPS Compliance Report of CNE.
3. The statements in this declaration are based on my knowledge, information, or belief.
4. An officer of CNE is not located within the County of Sacramento and was not available to execute this Declaration at the time the materials were prepared.
5. I have been authorized to make this declaration on behalf of CNE.
6. Those portions of CNE’s RPS Compliance Report identified in Table 1 below are eligible for confidentiality protection pursuant to Decision (“D.”) 06-06-066 and D.08-04-023 and the Matrix of Allowed Confidential Treatment for Energy Service Provider Data (“ESP Matrix”) attached as Appendix B to the latter decision.
7. The data for which CNE requests confidentiality and thereby protection from public disclosure are of the types and correspond to the category (or categories) in the ESP Matrix specified below:

TABLE 1: IDENTIFICATION OF CONFIDENTIAL INFORMATION

<i>RPS Compliance Report Worksheet Location</i>	<i>Type of Data</i>	<i>Matrix Category</i>
Worksheet “2013 Annual Summary”, RPS Summary Report Table, Cells D9:D10, E11:E12	Total Retail Sales MWh 2013; Annual RPS Target; Total RPS Eligible RECs Procured percentage; Total RPS Eligible RECs Retired for Compliance percentage	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 resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “2011-2013 Compliance Period	Total Retail Sales MWh 2012-2013 and CP Total;	I – Renewables Portfolio Standard (RPS) Information.

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<i>RPS Compliance Report Worksheet Location</i>	<i>Type of Data</i>	<i>Matrix Category</i>
Summary”, RPS Summary Report Table, Cells F9:G10, H11:H12	Annual RPS Targets and Compliance Period Procurement Requirement percentage; Total RPS Eligible RECs Procured percentage; Total RPS Eligible RECs Retired percentage	A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “2011-2020 Compliance Summary and Charts”, Cells E10:I10, E12:I12, C13:L13	Retail Sales (MWh) 2013- 2017, Annual RPS Target MWh 2013-2017, Procurement Quantity Requirements 2011-2013, 2014-2016 and 2017-2020	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 resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “Annual RPS Compliance Report: Compliance Status”, Annual RPS Procurement and Percentages (MWh) Table: Cells E18:I18, E21:I21	Annual Retail Sales MWh 2013-2017; Annual RPS Procurement Percentage 2013-2017	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 resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales

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		and supply data would reveal the entire net short of ESP.
Worksheet “Annual RPS Compliance Report: Compliance Status”, Procurement Quantity Requirement (MWh) Table: Cells C26:L26	Procurement Quantity Requirements (PQR) MWh 2011-2013, 2014-2016 and 2017-2020	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 resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.

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Worksheet “Annual RPS Compliance Report: Compliance Status”, Portfolio Balance Requirements (MWh) Table: Cells C42:E45	PCC 1 Balance Requirement, Excess/(Shortfall) Retirements from PCC 1, PCC 3 Balance Limitation, Ineligible Category 3	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 resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.
Worksheet “Annual RPS Compliance Report: Procurement Detail”, Procurement Summary (MWh) Table: Cell E19:G19	Long Term Contracting Requirement	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 resource mix data (MWh) and of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP. B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and historical retail sales and supply data would reveal the entire net short of ESP.

8. The data for which CNE is claiming confidentiality is not already public.
9. The confidentiality of the data for which CNE 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.
10. CNE’s customers may be harmed by the loss of confidentiality insofar as members of the public not eligible to review the data as non-market participating parties—primarily other

market participants such as other ESPs or wholesale suppliers or RPS supplies—can use this data to derive CNE-specific RPS procurement requirements (net short) and CNE’s current compliance position, particularly in light of the relative scarcity of such resources eligible for the product content category one resources.

Declared under penalty of perjury that the aforesaid is true of my own knowledge, except as to matters that are stated on information or belief and as to those matters I believe them to be true.

Dated: August 1, 2014

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