



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

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Order Instituting Rulemaking to Continue
Implementation and Administration, and
Consider Further Development, of California
Renewables Portfolio Standard Program.

Rulemaking 15-02-020
(Filed February 26, 2015)

**MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY
(U902 E) FOR LEAVE TO FILE UNDER SEAL THE
UNREDACTED VERSION OF ITS DRAFT 2016 RENEWABLES
PORTFOLIO STANDARD PROCUREMENT PLAN**

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August 8, 2016

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Pursuant to Rule 11.4 of Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and Decision (“D.”) 06-06-066, *et seq.*, San Diego Gas & Electric Company (“SDG&E”) respectfully submits this motion for leave to file under seal the unredacted version of its draft 2016 Renewables Portfolio Standard (“RPS”) Procurement Plan and related documents (together, the “Plan Documents”), filed concurrently herewith.

Public Utilities Code § 454.5(g) requires the Commission to protect from disclosure all “market sensitive information submitted in an electrical corporation's proposed procurement plan.”^{1/} In D.06-06-066, *et seq.*, the Commission adopted rules governing confidentiality of certain categories of electric procurement data routinely 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/}

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*

^{1/} All statutory references herein are to the Public Utilities Code unless otherwise noted.

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

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/}

SDG&E demonstrates below that the confidential information provided in the Plan Documents (the “Protected Information”) falls within the scope of data protected as confidential pursuant to the IOU Matrix and/or under relevant statutory provisions.^{5/}

^{3/} *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 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.

Data at issue	D.06-06-066 Matrix Requirements	How moving party meets requirements
<p><i>Draft 2016 RPS Plan, Appendix 1 – 2016 Project Development Status Update</i></p>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The Appendix sets forth analysis based on SDG&E’s assessment of individual RPS projects.
	Identify the Matrix category or categories to which the data corresponds	Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G.
	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 information be kept confidential for the first partial year in which the information is submitted (2016) and the following three full years (2017-2019).
	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 format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
<p><i>Draft 2016 RPS Plan, Appendix 2 – 2016 Quantitative Information: SDG&E Renewable Net Short for RPS Procurement – June 2016: Rows A, C and E (Bundled Retail Sales</i></p>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The SDG&E Renewable Net Short for RPS Procurement – June 2016 tables show SDG&E’s Bundled Retail Sales data and data that is a function of SDG&E’s Bundled Retail Sales data – SDG&E’s Gross RPS Procurement Quantity Requirement (GWh).
	Identify the Matrix category or categories to which the data corresponds	Utility Bundled Retail Sales data is protected under IOU Matrix category V.C for 2016-2019. SDG&E’s Gross RPS Procurement Quantity Requirement (GWh) is derived from Bundled Retail Sales Forecasts. Disclosure would allow interested parties to easily calculate SDG&E’s Bundled Retail Sales data; accordingly, this information is also protected under IOU Matrix category V.C.

<i>Data)</i>	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 information be kept confidential for the first partial year in which the information is submitted (2016) and the following three full years (2017-2019). As the data is also aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 2 and 3 aggregated data be kept confidential (2014-2020). If this data was broken out, parties could calculate the bundled retail sales data for 2016-2019.
	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 format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
Draft 2016 RPS Plan, Appendix 2 – 2016 Quantitative Information: <i>SDG&E Renewable Net Short for RPS Procurement – June 2016:</i> <i>Rows D, Fa, Faa, Fb, Fbb, F0, F1, F2, F3, Ga, Gb, Ha, Hb, Hc,</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The SDG&E Renewable Net Short for RPS Procurement – June 2016 tables show SDG&E’s risk-adjusted analysis of its RPS position by year, analysis of banked and excess procurement by year as well as the voluntary margin of over-procurement and net procurement need, which are all a function of SDG&E’s net open position surplus or deficit.
	Identify the Matrix category or categories to which the data corresponds	Utility net long/short data is protected under IOU Matrix category VI.B. Information regarding SDG&E’s strategy associated with application of the banking flexible compliance tool could allow a third party to calculate SDG&E’s bundled retail sales figure, which is protected under IOU Matrix category V.C. Accordingly, this data is also protected under category V.C. ^{6/}

^{6/} See 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, p. 2 (finding that strategies associated with application of flexible compliance tools such as banking must be kept confidential since disclosure “would allow a third party to calculate SDG&E’s bundled retail sales figure.”).

<i>H, Ia, Ib, J, J0, J1, J2, La, and Lb (Net Short/Long Data)</i>	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 information be kept confidential for the first partial year in which the information is submitted (2016) and the following annual three full years (2017-2019). As the data is also aggregated by Compliance Period, SDG&E requests that the entirety of Compliance Periods 2 and 3 aggregated data be kept confidential (2014-2020). If this data was broken out, parties could calculate the net long/short data for 2016-2019.
	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 format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
<i>Draft 2016 RPS Plan, Appendix 2 – 2016 Quantitative Information: Probability-Weighted Deliveries, Contracts Presently Developing - June 2016: CP2 Probability, CP3 Probability, and 2016-2036 (Probability Weighted Deliveries), rows 1-6</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The Contracts Presently Developing – June 2016 tables set forth analysis based on SDG&E’s assessment of individual RPS projects.
	Identify the Matrix category or categories to which the data corresponds	Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G.
	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 information be kept confidential for the first partial year in which the information is submitted (2016) and the following annual three full years (2017-2019).
	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,	The information was provided in the format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or

	summarized, masked or otherwise protected in a way that allows partial disclosure.	otherwise protected in a way that allows partial disclosure.
Draft 2016 RPS Plan, Appendix 2 – 2016 Quantitative Information: <i>Probability-Weighted Deliveries, Contracts Presently Delivering – June 2016: CP2 Probability, CP3 Probability, and 2016-2036 (Probability Weighted Deliveries), rows 1-62</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The Contracts Presently Delivering – June 2016 tables set forth analysis based on SDG&E’s assessment of individual RPS projects.
	Identify the Matrix category or categories to which the data corresponds	Analysis and evaluation of RPS projects is protected under IOU Matrix category VII.G.
	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 information be kept confidential for the first partial year in which the information is submitted (2016) and the following annual three full years (2017-2019).
	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 format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
Draft 2016 RPS Plan, Appendix 3 – 2016 Cost Quantification Table, Cost Quantification Table 2 (Forecast Costs, \$): Bundled Retail Sales (kWh) (2016-2019), Incremental Rate	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This table provides quantitative analysis of RPS cost data. It includes (i) bundled retail sales forecast data; and (ii) cost forecast data.
	Identify the Matrix category or categories to which the data corresponds	Utility bundled retail sales data is protected under IOU Matrix category V.C. Utility cost forecast data is protected under IOU Matrix category II.
	Affirm that the IOU is complying with the limitations	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that the information be kept confidential for the

<i>Impact (2016-2019), and Total Incremental Rate Impact (2016-2019)</i>	on confidentiality specified in the Matrix for that type of data	first partial year in which the information is submitted (2016) and the following annual three full years (2017-2019).
	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 format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
<i>Draft 2016 RPS Plan, Appendix 4 – 2016 Expiring Contracts: Contract Type Column</i>	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	The SDG&E Contracts Expiring in the Next 10 Years table shows SDG&E’s estimate of the Portfolio Content Category of each expiring contract which is a component of SDG&E’s net open position surplus or deficit.
	Identify the Matrix category or categories to which the data corresponds	Utility net long/short data is protected under IOU Matrix category VI.B.
	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 information be kept confidential for the first partial year in which the information is submitted (2016) and the following annual three full years (2017-2019).
	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 format that best conveys the analysis. The data cannot be further aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

SDG&E respectfully moves this Commission for an order directing that the Protected Information, which has been redacted in the public version of the Plan Documents, shall continue to remain under seal for the period identified in the table above.

Respectfully submitted this 8th day of August, 2016.

/s/ Paul A. Szymanski
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PROPOSED ORDER

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

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Order Instituting Rulemaking to Continue)	Rulemaking 15-02-020
Implementation and Administration of California)	(Filed February 26, 2015)
Renewables Portfolio Standard Program.)	
)	

ORDER

Pursuant to Rule 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and D.06-06-066, *et seq.*, San Diego Gas & Electric Company (“SDG&E”) filed a motion on August 8, 2016 (the “Motion”) requesting authority to file and maintain certain confidential, commercially sensitive and proprietary information under seal. The Motion sought confidential treatment of specific information appearing in the unredacted version of its Draft 2016 Renewables Portfolio Standard (“RPS”) Procurement Plan and related documents (together, the “Plan Documents”).

The information for which confidential treatment is sought is protected under the IOU Matrix adopted in D.06-06-066. In addition, the information complies with the limitations on confidentiality specified in the IOU Matrix for that type of data and SDG&E has not publicly disclosed this information. The data cannot be aggregated, further redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Therefore, it is ordered that:

1. The confidential information contained in SDG&E's Plan Documents 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.

Administrative Law Judge

Dated: _____

AFFIDAVIT

I am an employee of the respondent corporation herein, and am authorized to make this verification on its behalf. The matters stated in the foregoing **MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY (U902 E) FOR LEAVE TO FILE UNDER SEAL THE UNREDACTED VERSION OF ITS DRAFT 2016 RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN** 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 under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 8th day of August, 2016, at San Diego, California

/s/ Fernando Valero

Fernando Valero
Partnerships and Programs Manager
Origination and Portfolio Design Department