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

Application of Pacific Gas and Electric Company for Compliance Review of Utility Owned Generation Operations, Electric Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel procurement, Diablo Canyon Seismic Studies Balancing Account, and Other Activities for the Period January 1 through December 31, 2015.

Application 16-02-019  
(Filed February 29, 2016)

**ADMINISTRATIVE LAW JUDGE'S RULING ADDRESSING MOTIONS  
REGARDING EXHIBITS AND CONFIDENTIAL TREATMENT**

**Summary**

This Ruling grants the joint motion of Pacific Gas and Electric Company (PG&E) and the Office of Ratepayer Advocates (ORA) requesting to offer testimony and supporting documents into evidence and admit the materials into the evidentiary record, as further described below. ORA is directed to provide the Administrative Law Judge a paper copy of the ORA documents listed in Table 1 below. Furthermore, this Ruling grants a joint motion of PG&E and ORA to seal the confidential exhibits in the evidentiary record for three years.

**Background**

On November 16, 2016, Pacific Gas and Electric Company (PG&E) and the Office of Ratepayer Advocates (ORA) jointly filed three motions in this

proceeding: 1) requesting approval of a settlement; 2) offering into evidence and admitting into evidence the testimony and supporting documents listed in Table 1 below; and 3) requesting to seal the evidentiary record and protect material in the confidential exhibits as listed in Table 1, below. This Ruling addresses the motions regarding exhibits and confidential treatment of the exhibits.

<b>Table 1</b> <b>Application 16-02-019</b> <b>Testimony and Supporting Documents</b>		
<b>Exhibit No</b>	<b>Title</b>	<b>Sponsor</b>
PG&E-1	Prepared Testimony (Public)	PG&E
PG&E-1C	Prepared Testimony (Confidential)	PG&E
PG&E-2	Errata to Prepared Testimony (Public)	PG&E
PG&E-2C	Errata to Prepared Testimony (Confidential)	PG&E
PG&E-3	Supplemental Testimony (Public)	PG&E
PG&E-3C	Supplemental Testimony (Confidential)	PG&E
PG&E-4	Rebuttal Testimony (Public)	PG&E
PG&E-4C	Rebuttal Testimony (Confidential)	PG&E
PG&E-5C	Contract Amendments (Confidential)	PG&E
ORA-1	ORA Testimony (Public)	ORA
ORA-1C	ORA Testimony (Confidential)	ORA
ORA-2	ORA Amended Testimony (Public)	ORA
ORA-2C	ORA Amended Testimony (Confidential)	ORA
ORA-3	Errata to ORA Amended Testimony (Public)	ORA
ORA-3C	Errata to ORA Amended Testimony (Confidential)	ORA

### **Discussion**

Simultaneous to the filing of the two motions addressed in this Ruling, PG&E and ORA filed a motion requesting approval of a settlement. As a result, evidentiary hearings have been canceled. (A future Commission decision will address the motion requesting approval of the settlement.) Commission Rules of Practice and Procedure, Rule 13.8(c) provides that in the absence of an evidentiary hearing, prepared testimony may be offered into evidence by written motion. As required by Rule 13.8(c), the November 16, 2016 motion requesting to mark and enter documents into the record of Application (A.) 16-02-019 includes a declaration under penalty of perjury by the person preparing or in charge of preparing the testimony as being true and correct. PG&E and ORA's November 16, 2016 joint motion requesting to offer and admit into evidence the listed testimony and supporting documents in Table 1 above is compliant with Rule 13.8(c). It is therefore reasonable to mark the exhibits as listed in Table 1 above. No party filed opposition to this motion. Hence, it is reasonable to grant the motion. The documents listed in Table 1 above are received into the record of A.16-02-019 as of the issuance of this Ruling.

Rule 13.8 also requires that copies of the testimony be served upon the Administrative Law Judge (ALJ). PG&E has complied with this rule. Within three days of the issuance of this Ruling, ORA shall provide the ALJ with one paper copy of the ORA exhibits listed in Table 1 above.

In the PG&E and ORA joint motion requesting to seal the evidentiary hearing, PG&E and ORA contend that, pursuant to Rule 11.5, Decision (D.) 06-06-066, D.08-04-023, D.14-10-033, Public Utilities Code Sections 454.5(g) and 583, and General Order 66-C, the documents listed in Table 1 as Confidential, should be deemed sealed. ORA states that its testimony includes

confidential, market-sensitive information based on PG&E's designation of this information as being confidential and market-sensitive. The motion included a table that: 1) describes the material for which the Parties seek confidential treatment; 2) states whether confidentiality treatment is pursuant to D.06-06-066 and/or other authority; and 3) for protection pursuant to D.06-06-066, provides the category or categories to which the data correspond.

Upon review, the joint motion of PG&E and ORA requesting to seal the confidential exhibits in the evidentiary record meets the requirements of D.06-06-066, Ordering Paragraph 2, in that: 1) the material being considered for confidentiality constitutes a particular type of data listed in D.06-06-066; 2) the table attached to the joint motion indicates which category or categories the data corresponds to; 3) the joint motion indicates that it is complying with the limitations on confidentiality specified in D.06-06-066; 4) the data being considered for confidentiality is not already public, and 5) the data cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure. No party filed opposition to the joint motion to seal the confidential exhibits in the evidentiary record. It is reasonable to grant the request to seal the confidential exhibits in the evidentiary record for a period of no more than three years following the issuance of this Ruling, as indicated in D.06-06-066, Ordering Paragraph 1.

**IT IS RULED** that:

1. The November 16, 2016 motion jointly filed by Pacific Gas and Electric Company and the Office of Ratepayer Advocates requesting to mark and enter the documents, as listed in Table 1 above, into the evidentiary record of Application 16-02-019 is granted.

