

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Application of Southern California Edison Company (U 338-E) for Approval of Demand Response Programs, Goals and Budgets for 2009- 2011.

Application 08-06-001
(Filed June 2, 2008)

Application of San Diego Gas & Electric Company (U 902 M) for Approval of Demand Response Programs and Budgets for Years 2009 through 2011.

Application 08-06-002
(Filed June 2, 2008)

Application of Pacific Gas and Electric Company for Approval of 2009-2011 Demand Response Programs and Budgets (U 39-E)

Application 08-06-003
(Filed June 2, 2008)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39-E) FOR LEAVE TO
FILE CONFIDENTIAL INFORMATION CITED IN ITS PETITION FOR
MODIFICATION UNDER SEAL CONSISTENT
WITH DECISIONS 06-06-066 AND 08-04-023**

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April 28, 2010

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

Application of Southern California Edison Company (U 338-E) for Approval of Demand Response Programs, Goals and Budgets for 2009- 2011.	Application 08-06-001 (Filed June 2, 2008)
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**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39-E) FOR LEAVE TO
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MODIFICATION UNDER SEAL CONSISTENT WITH
DECISIONS 06-06-066 AND 08-04-023**

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 information that reveals confidential third-party demand response agreement pricing and PG&E’s forecasts of electric prices under seal. The material PG&E seeks to protect is included in the confidential, unredacted version of PG&E’s Petition for Modification of Decision 09-08-027 and the accompanying declaration of William Gavelis filed concurrently with PG&E’s Petition.

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.^{1/}

Material Requiring Confidential Treatment:

Tables 2 and 4 in the accompanying Petition for Modification and Tables 3, 5, 6 and 7 in the accompanying declaration of William Gavelis contain confidential information protected from disclosure by D.06-06-066 for the reasons discussed below.

A. Purchase and Sale Agreement and Power Purchase Agreements– (Section VII (B) – Contracts and power purchase agreements between utilities and non-affiliated third parties (except RPS).)

The Aggregator Managed Portfolio Agreements are protected from disclosure by prior order of the assigned Administrative Law Judge at the prehearing conference held in A. 07-02-032. Section VII (B) of the Appendix to Decision D.06-06-066 protects confidential terms in bilateral power purchase agreements with non-affiliates, excluding only counterparty, resource type, location, capacity, expected deliveries, delivery point, length of contract and on-line date. This category allows the confidential contract terms to remain confidential for three years. The

^{1/} D.06-06-066, mimeo p. 80, Ordering Paragraph No. 2.

above-mentioned tables reveal confidential pricing information that should continue to be protected.

B. Cost Forecast Data – Electric, Section A.2 (Electric Price Forecasts, Utility Electric Price Forecasts).

PG&E’s confidential price forecasts, are used in the quantitative analyses of the AMP contracts and is also maintained as confidential for three years by D.06-06-066, Appendix 1 (see Item II – Cost Forecast Data – Electric, Section A.2 (Electric Price Forecasts, Utility electric price forecasts)). Tables 2 and 4 of the Petition and Tables 3, 5, 6 and 7 of the Declaration of William Gavelis contain information from which PG&E’s electric price forecasts could be derived and therefore should be protected for three years pursuant to D.06-06-066.

The data in the above-listed tables should be maintained as confidential for three years pursuant to the matrix attached to D.06-06-066 in that:

1. the data is listed in the matrix;
2. the category of the confidential data in the matrix is at page 18, Item VIII (Competitive Solicitation Bidding Information – Electric). The information is the market valuation of the bids, which is PG&E’s quantitative analysis involving scoring and evaluation of participating bids;
3. PG&E is complying with the limitations on confidentiality specified in the Matrix for that type of data;
4. the information is not already public; and
5. the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.^{2/}

^{2/} D.06-06-066, mimeo p. 80, Ordering Paragraph No. 2.

For all the reasons described above, PG&E requests that the Commission grant this Motion. As required by Rule 11.4(a), a proposed order granting this Motion is attached.

Respectfully submitted,

MARY A. GANDESBERY

By: _____ /s/
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April 28, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION
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[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”), for leave to file confidential materials under seal, namely certain information in the confidential, unredacted version of PG&E’s Petition for Modification of Decision 09-08-027 and the accompanying declaration of William Gavelis filed concurrently with the Petition. The Administrative Law Judge rules as follows:

1. PG&E’s Motion is granted. The protected materials in the confidential, unredacted version of PG&E’s Petition for Modification (Tables 2 and 4) and the Declaration of William Gavelis (Tables, 3, 5, 6 and 7) shall be protected for three years.

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 _____, 2010 at San Francisco, California.

Administrative Law Judge

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, Post Office Box 7442, San Francisco, CA 94120.

On the 28th day of April, 2010, I served a true copy of:

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY FOR LEAVE TO
FILE CONFIDENTIAL INFORMATION CITED IN ITS PETITION FOR
MODIFICATION UNDER SEAL CONSISTENT WITH DECISIONS 06-06-066
and 08-04-023**

- [XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **A. 08-06-001, A. 08-06-002 and A. 08-06-003** with an e-mail address.
- [XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for **A. 08-06-001, A. 08-06-002 and A. 08-06-003** without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 28th day of April 2010, at San Francisco, California.

/s/
PAMELA J. DAWSON-SMITH

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