

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



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Application of Pacific Gas and Electric
Company (U 39E) for Approval of
Amended Purchase and Sale Agreement
Between Pacific Gas and Electric
Company and Contra Costa Generating
Station LLC and for Adoption of Cost
Recovery and Ratemaking Mechanisms

Application No. 12-03-026
(Filed March 30, 2012)

**MOTION OF THE DIVISION OF RATEPAYER ADVOCATES
FOR LEAVE TO FILE CONFIDENTIAL MATERIAL UNDER SEAL**

July 17, 2012

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California Public Utilities Commission
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Pursuant to Rule 11.4 of the Rules and Practices of the California Public Utilities Commission and the ruling of Administrative Law Judge (“ALJ”) Yacknin on June 28, 2012, the Division of Ratepayer Advocates (DRA) submits this motion for leave to file under seal DRA’s response to the motion of Independent Energy Producers Association (IEP) for reconsideration of the Scoping Memo to coordinate schedules.

On July 2, 2012, IEP filed a motion for reconsideration of the Scoping Memo to coordinate schedules because the hearing schedule in the Scoping Memo will overlap with the hearings in the Long-term Procurement Planning proceeding (LTPP). DRA’s response to IEP’s motion includes descriptions and references to the Project Milestones in Schedule 2.4 of the amended Purchase and Sale Agreement (PSA) and Section 10.1(a) of the PSA, which addresses the deadline for receiving CPUC approval. These parts of the PSA are necessary to support DRA’s motion because they show that reconsideration of the Scoping Memo as IEP has requested will not cause any delays in the development of the project.

In a Ruling issued on June 28, 2012, ALJ Yacknin granted PG&E’s motion to seal the evidentiary hearing with respect to information in Appendix A of PG&E’s Prepared

Testimony, which includes the Amended PSA, and found the information confidential under Decision (“D.”) 06-06-066 and/or General Order (“GO”) 66-C. (Administrative Law Judge’s Ruling on Motion to Seal Evidentiary Record, p.4.) Schedule 2.4 and Section 10.1(a) of the Amended PSA are parts of Appendix A and were redacted from the public version of DRA’s response to IEP’s motion.

CONCLUSION

Wherefore, consistent ALJ Yacknin’s ruling on June 28, 2012, DRA requests that its motion for leave to file under seal its response to IEP’s motion be granted.

Respectfully submitted,

/s/ Candace J. Morey

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July 17, 2012

DECLARATION OF CANDACE J. MOREY
IN SUPPORT OF CONFIDENTIAL TREATMENT OF PARTS
OF DRA'S RESPONSE TO IEP'S MOTION

I, Candace J. Morey, hereby declare:

1. I am an attorney duly licensed and authorized to practice law in the Courts of the State of California and counsel for the Division of Ratepayer Advocates for purposes of filing its response to the motion of Independent Energy Producers Association (IEP) for reconsideration of the Scoping Memo to coordinate schedules.

2. I am familiar with the information set forth in DRA's Response to the motion of IEP for reconsideration and with the "Administrative Law Judge's Ruling Clarifying Interim Procedures For Complying With Decision 06-06-066," issued in Rulemaking 05-06-040 on August 22, 2006.

3. On the basis of my knowledge and experience and pursuant to ALJ Yacknin's Ruling on June 28, 2012, I make this declaration seeking confidential treatment of the excerpts of Appendix A to the PSA included in DRA's response. Attached to this declaration is a matrix identifying the data and information DRA seeks to keep confidential.

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

Executed on this 17th day of July, 2012 at San Francisco, California.

/s/ CANDACE J. MOREY

Candace J. Morey

DIVISION OF RATEPAYER ADVOCATES
A.12-03-026 – RESPONSE TO MOTION OF IEP FOR RECONSIDERATIO
July 12, 2012

IDENTIFICATION OF CONFIDENTIAL INFORMATION

The confidential Amended PSA information redacted by DRA

Redaction	Type of Information	Basis for Redaction
Appendix A	Amended PSA	D.06-06-066, Item VII.B and GO 66-C, Section 2.2(b) The original PSA was redacted from PG&E's testimony in A.09-09-0218 and was determined to be confidential in ALJ Farrar's Ruling

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(Filed March 30, 2012)

**[PROPOSED] ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING DRA'S MOTION TO FILE UNDER SEAL**

On July 17, 2012, the Division of Ratepayer Advocates (DRA) filed a response in support of the July 2, 2012 Motion of the Independent Energy Producers Association (IEP) for reconsideration of the Scoping Memo to coordinate schedules. DRA's response identified and relied upon several provisions in the Amended Purchase and Sale Agreement (PSA) for the Oakley Project that have been deemed Confidential by PG&E.

Pursuant to my Ruling of June 28, 2012 granting PG&E's motion to seal the evidentiary hearing with respect to information in Appendix A of PG&E's Prepared Testimony (the Amended PSA). The materials DRA referenced in Section 10.1(a) and Schedule 2.4 have been deemed Confidential by PG&E. Accordingly, the information shall be sealed because it is deemed to be entitled to confidential treatment pursuant to D.06-06-066.

IT IS SO RULED

Dated _____, 2012, at San Francisco, California.

Hallie Yacknin
Administrative Law Judge