

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



**FILED**

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In the Matter of the Application of San Diego Gas  
& Electric Company (U 902 E) to Amend Renewable  
Energy Power Purchase Agreement with NaturEner Rim  
Rock Wind Energy, LLC and for Authority to Make a  
Tax Equity Investment in the Project.

Application 10-07-017  
(Filed July 15, 2010)

**SAN DIEGO GAS & ELECTRIC COMPANY  
MOTION TO MOVE EXHIBITS INTO EVIDENCE  
AND TO SEAL PORTIONS OF THE EVIDENTIARY RECORD**

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January 7, 2011

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

In the Matter of the Application of San Diego Gas & Electric Company (U 902 E) to Amend Renewable Energy Power Purchase Agreement with NaturEner Rim Rock Wind Energy, LLC and for Authority to Make a Tax Equity Investment in the Project.

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**I. INTRODUCTION**

Pursuant to Rules 11.1 and 11.5 of the California Public Utilities Commission’s Rules of Practice and Procedure and Public Utilities Code Sections 454.5(g) and 583, Commission Decision (“D.”) 06-06-066 and D.08-04-023, San Diego Gas & Electric Company (“SDG&E”) respectfully requests to move exhibits into evidence and to seal portions of the evidentiary record. Evidentiary hearings for this proceeding were held on December 13-17, 2010. At the close of the hearings, Administrative Law Judge (“ALJ”) Vieth acknowledged there were preliminary marked exhibits not yet submitted due to outstanding claims of confidentiality associated with them. She instructed the parties to work together to narrow the scope of the redactions and resubmit public and confidential copies of the remaining exhibits.<sup>1</sup>

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<sup>1</sup> A.10-07-017 Hearing Transcript (“T.”) 791:24-T.792:8.

## II. EXHIBITS TO BE MOVED INTO EVIDENCE

SDG&E requests to move the following exhibits into evidence:

<b>Exhibit No.</b>	<b>Date Identified</b>	<b>Transcript Reference</b>	<b>Document Title</b>	<b>Witness</b>
3	12/13/10	Vol. 1 at 75:7-12	Prepared Direct Testimony of Amir Moftakhar – Public Version	Amir Moftakhar
3C	12/13/10	Vol. 1 at 75:13-17	Prepared Direct Testimony of Amir Moftakhar – Confidential Version	Amir Moftakhar
3C-RR	12/13/10	Vol. at 75:18-21	Prepared Direct Testimony of Amir Moftakhar – NaturEner Confidential Version	Amir Moftakhar
4C-RR	12/13/10	Vol. at 75:22-28 (marked 4C) Vol. 2 at 169:2-8 (corrected to 4C-RR)	Appendix A (enlarged copy) to Prepared Direct Testimony of Amir Moftakhar	Amir Moftakhar
5C	12/13/10	Vol. 1 at 76:6-10	Appendix C (enlarged copy) to Prepared Direct Testimony of Amir Moftakhar	Amir Moftakhar
6C	12/13/10	Vol. 1 at 76:11-16	Appendix D (enlarged copy) to Prepared Direct Testimony of Amir Moftakhar	Amir Moftakhar
7	12/13/10	Vol. 1 at 76:21-22	Prepared Rebuttal Testimony of Amir Moftakhar – Public Version	Amir Moftakhar
7C-RR <sup>2</sup>	12/14/10	Vol. 2 at 169:9-13	Prepared Rebuttal Testimony of Amir Moftakhar – NaturEner Confidential Version	Amir Moftakhar
8	12/14/10	Vol. 2 at 293:23-28	Prepared Direct Testimony of Mike McClenahan (originally) as Adopted by Matt Burkhart – Public Version	Matt Burkhart
8C	12/14/10	Vol. 2 at 293:23-28	Prepared Direct Testimony of Mike McClenahan (originally) as Adopted by Matt Burkhart – Confidential Version	Matt Burkhart

<sup>2</sup> Formerly marked as Exhibit 7C (T.76:23-24) and redesignated to 7C-RR (T.169-9:13)

<b>Exhibit No.</b>	<b>Date Identified</b>	<b>Transcript Reference</b>	<b>Document Title</b>	<b>Witness</b>
8C-RR	12/14/10	Vol. 2 at 293:23-28	Prepared Direct Testimony of Mike McClenahan (originally) as Adopted by Matt Burkhart – NaturEner Confidential Version	Matt Burkhart
9	12/14/10	Vol. 2 at 294:15-24	Prepared Rebuttal Testimony of Matt Burkhart – Public Version	Matt Burkhart
9C	12/14/10	Vol. 2 at 294:15-24	Prepared Rebuttal Testimony of Matt Burkhart – Confidential Version	Matt Burkhart
9C-RR	12/14/10	Vol. 2 at 294:15-24	Prepared Rebuttal Testimony of Matt Burkhart – NaturEner Confidential Version	Matt Burkhart
12	12/16/10	Vol. 4 at 543:20-28	Prepared Direct Testimony of Kenneth Deremer – Public Version	Kenneth Deremer
12C-RR <sup>3</sup>	12/16/10	Vol. 4 at 545:17-25	Prepared Direct Testimony of Kenneth Deremer – NaturEner Confidential Version	Kenneth Deremer
13	12/16/10	Vol. 4 544:1-9	Prepared Rebuttal Testimony of Kenneth Deremer – Public Version	Kenneth Deremer
13C-RR <sup>4</sup>	12/16/10	Vol. 4 545:17-25	Prepared Rebuttal Testimony of Kenneth Deremer – NaturEner Confidential Version	Kenneth Deremer

In addition, SDG&E moves that upon receipt of the above-referenced exhibits into the evidentiary record of this proceeding, those exhibits designated by either “C” or “C-RR” be sealed.

<sup>3</sup> With the ALJ’s permission, SDG&E would like to redesignate what had been marked for identification as Exhibit 12C (Tr. 543:20-28) as 12C-RR.

<sup>4</sup> With the ALJ’s permission, SDG&E would like to redesignate what had been marked for identification as Exhibit 13C (Tr. 544:1-9) as 13C-RR.

### **III. INFORMATION CONTAINED IN THE CONFIDENTIAL EXHIBITS IS PROTECTED UNDER COMMISSION ORDERS AND APPLICABLE LAW**

In D.06-06-066, the Commission set forth the standard for designating procurement-related information as confidential in Commission proceedings. As part of the decision, the Commission adopted a Matrix, which identified categories of procurement data and the level of confidentiality granted to each category. Specifically, in D.06-06-066, the Commission stated that “[w]here a party seeks confidentiality protection for data contained in the Matrix, its burden shall be to prove that the data match the Matrix category. Once it does so, it is entitled to the protection the Matrix provides for that category.”<sup>5</sup>

When SDG&E originally presented their evidence, declarations were attached to the confidential exhibits explaining how the confidential information contained therein fits within the D.06-06-066 Matrix. In submitting these updated exhibits, per ALJ Vieth’s request, modified declarations are attached thereto laying out the grounds for sealing the redactions.<sup>6</sup>

### **IV. CONCLUSION**

For the reasons set forth above, SDG&E respectfully moves the Commission to accept the above-referenced exhibits into evidence in this proceeding and requests to seal the confidential portions of the evidentiary record.

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<sup>5</sup> D.06-06-066 at 80.

<sup>6</sup> T.792:9-21.

Dated this 7 day of January, 2011 in San Diego, California

Respectfully Submitted,

/s/ Steven C. Nelson  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of **SAN DIEGO GAS & ELECTRIC COMPANY MOTION TO MOVE EXHIBITS INTO EVIDENCE AND TO SEAL PORTIONS OF THE EVIDENTIARY RECORD** has been electronically mailed to each party of record of the service list in A.10-07-017. Any party on the service list who has not provided an electronic mail address was served by placing copies in properly addressed and sealed envelopes and by depositing such envelopes in the United States Mail with first-class postage prepaid.

Copies were also sent via Federal Express to Administrative Law Judge and Commissioner in this proceeding.

Executed this 7<sup>th</sup> day of January, 2011 at San Diego, California.

/s/ JOSH THOMPSON  
Josh Thompson



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