GE
Energy

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Maryam Ebke, P.E.
Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Iberdrola's Motion To Quash The Subpoena Duces Tecum (A.09-12-002)

Dear Judge Ebke:

I am writing on behalf of General Electric Company ("GE") in support of the motion by Iberdrola Renewables, Inc. to quash the subpoena duces tecum issued by the Division of Ratepayers Advocates ("DRA") in the above-cited matter.

The Subpoena demands that Iberdrola Renewables produce, *inter alia*, "[c]opies of any agreements entered between [*Iberdrola Renewables*] and General Electric for the purchase of turbines related to the PROJECT, including without limitation the Master Turbine Purchase Agreement and all amendments thereto."

The Master Turbine Purchase Agreement contains highly sensitive and confidential business information and trade secrets which are not generally known to the public. This information includes:

- *pricing information*, which would enable a competitor to meet or undercut GE's pricing for comparable projects, and

- *schedule information*, from which a competitor could infer GE's production and logistics capabilities.

Competitors of GE could derive substantial economic benefit if they came into possession of this information. GE deems this information to be trade secret and takes reasonable steps

to maintain its confidentiality. For that reason the Master Turbine Purchase Agreement limiting disclosure of its contents by either party without permission of the other party. GE has not granted such permission to Iberdrola in this case.

The Master Turbine Purchase Agreement is not specific to the Mansana project. The disclosure of information contained therein would prejudice both GE and Iberdrola in commercial negotiations involving not only the Mansana project but other projects to be built with turbines supplied under that Agreement.

The disclosure of commercially-sensitive information has a chilling effect on competition. If GE reasonably believed it likely that price and schedule information provided in connection with projects in California would reach the hands of competitors, it would be discouraged from offering its most competitive terms for projects in California. This result would not be in the best interests of California rate payers.

For these reasons GE believes that Iberdrola Renewables should not be required to produce the requested documents, and support Iberdrola's motion to quash the Subpoena.

Very truly yours,