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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of Agreements Related to the Novation of the California Department of Water Resources Agreement with GWF Energy LLC, Power Purchase Agreement with GWF Energy II LLC, and Associated Cost Recovery.

Application 09-10-022
(Filed October 16, 2009)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING PACIFIC GAS AND ELECTRIC COMPANY'S MOTION
TO FILE SIX DOCUMENTS UNDER SEAL**

This ruling grants Pacific Gas and Electric Company's (PG&E) unopposed motion to file six documents under seal.

Background

In Application (A.) 09-10-022, PG&E requests authority to enter into several contracts related to the procurement of electric power from GWF Energy LLC and GWF Energy II LLC. On October 16, 2009, PG&E submitted a motion to file under seal the following six documents:

- Appendix 1 of A.09-10-022: The Novation Agreement.
- Appendix 2 of A.09-10-022: The Replacement Agreement.
- Appendix 3 of A.09-10-022: The Replacement MRTU Agreement.
- Appendix 4 of A.09-10-022: The Tracy Upgrade PPA.
- Appendix 5 of A.09-10-022: The Transition Agreement.
- The unredacted version of A.09-10-022, parts of which describe confidential provisions in the above Agreements.

PG&E states the six documents may be filed under seal pursuant to Decision (D.) 06-06-066 and D.08-04-023, which adopted rules for the submittal of confidential electric procurement information to the Commission. These rules are set forth in a matrix appended to D.06-06-066 (“the Matrix”). D.06-06-066 and D.08-04-023 require that material filed at the Commission for which a utility seeks confidential treatment pursuant to D.06-06-066 to be accompanied by a motion that demonstrates the following:

1. The material is the type of data listed in the Matrix.
2. The utility is complying with the limitations on confidentiality specified in the Matrix for the data.
3. The data is not already public.
4. The data cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure.

To demonstrate the above, PG&E attached to its motion the Declaration of Dennis L. Sullivan, who negotiated the Agreements. The Declaration provides a general description of each Agreement and explains why each Agreement is protected from public disclosure by D.06-06-066 and D.08-04-023.

There was no response to PG&E’s motion.

Ruling

D.06-06-066 and D.08-04-023 authorize utilities to file under seal data and documents pertaining to electric procurement that meet the criteria specified in the Matrix appended to D.06-06-066. PG&E has demonstrated that the six documents meet these criteria. Therefore, PG&E’s motion is granted.¹

¹ Neither PG&E’s motion nor this ruling addresses PG&E’s written testimony that PG&E labeled as confidential and which PG&E served concurrently with its Application.

In accordance with D.06-06-066 and D.08-04-023, each Agreement that is placed under seal pursuant to this ruling shall remain under seal for a three-year period beginning on the date the Agreement states deliveries are to begin, or until one year after the Agreement expires, whichever comes first.² Each part of A.09-10-022 that is placed under seal pursuant to this ruling shall remain under seal for as long as the Agreement(s) associated with that part remain under seal.

Good cause appearing, **IT IS RULED** that:

1. Pacific Gas and Electric Company's motion to file under seal the six documents identified in the body of this ruling is granted.
2. Each Agreement identified in the body of this ruling shall stay under seal for a three-year period beginning on the date the Agreement states deliveries are to begin, or until one year after the Agreement expires, whichever comes first.
3. Each part of Application 09-10-022 that is under seal shall stay under seal for as long as the Agreement(s) associated with that part remain under seal.
4. Material under seal at the Commission shall not be provided to anyone other than the Commission and its 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 the Law and Motion Judge.

Dated November 17, 2009, at San Francisco, California.

/s/ TIMOTHY KENNEY
Timothy Kenney

² D.06-06-066, Appendix 1, pages 8 and 15, Categories IV.F and VII.B.

Administrative Law Judge

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