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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 (U39E).

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

And Related Matter.

Application 09-10-034

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING
THE MOTION TO FILE UNDER SEAL THE ATTACHMENT TO
THE DIVISION OF RATEPAYER ADVOCATES' NOTICE OF AN
EX PARTE COMMUNICATION ON JULY 6, 2010**

This ruling grants the Division of Ratepayer Advocates' (DRA) motion to file under seal the attachment to DRA's notice of an ex parte communication that occurred on July 6, 2010.

Background

On July 15, 2010, DRA filed a motion to submit under seal an attachment to DRA's concurrently filed notice of ex parte communication. The ex parte communication occurred on July 6, 2010, when DRA representatives met with Commissioner Bohn and Robert Kinosian. The attachment contains information about Pacific Gas and Electric Company's (PG&E) projected net open position

and peak load, which PG&E has designated as confidential. DRA takes no position on whether the information designated as confidential by PG&E is, in fact, confidential. There was no response to DRA's motion.

The information that DRA seeks to file under seal is subject to Decision (D.) 08-04-023 and D.06-06-066, which adopted rules for providing confidential electric-procurement information to the Commission. These rules are summarized in a matrix appended to D.06-06-066 (the Matrix).

The Matrix identifies multiple categories of confidential information and the period of time that each category may be placed under seal. Category V.F consists of forecasts of a utility's total peak demand load in its planning area. Forecasts on monthly and daily basis may be placed under seal for the front three years of the forecast. Forecasts on an annual and quarterly basis are public. Category VI.A consists of forecasts of a utility's bundled net open (long or short) position for capacity. Information in this category may be placed under seal for the front three years of the forecasts. Category VI.E consists of forecasts of the net open (long or short) position for capacity in a utility's planning area. Forecasts on monthly and daily basis may be placed under seal for the front three years of the forecast. Forecasts on an annual and quarterly basis are public.¹

At the request of the assigned Administrative Law Judge (ALJ), PG&E filed a document on December 9, 2010, that contains the following information:

- Description and location of each piece of information in the attachment to DRA's notice of ex parte communication that PG&E believes is confidential and should be placed under seal pursuant to D.08-04-023 and D.06-06-066.

¹ D.06-06-066, Appendix 1 at 11, 13, and 14.

- Start and end dates for the period of time that each piece of information may be placed under seal.

PG&E's document includes a table that (1) provides the above information for the attachment to DRA's notice of ex parte communication,² and (2) explains why the information that PG&E has labeled as confidential qualifies for confidential treatment under Categories V.F, VI.A, and VI.E and may be placed under seal for a 3-year period. A copy of PG&E's table is attached to this ruling.³

Ruling

PG&E has demonstrated that the attachment to DRA's notice of ex parte communication qualifies for confidential treatment under Matrix Categories V.F, VI.A, and VI.E. Therefore, DRA's unopposed motion to file the attachment under seal is granted. Information in Categories V.F, VI.A, and VI.E may be placed under seal for the "front three years of forecast data" pursuant to D.06-06-066.⁴ As shown in the table attached to this ruling, the period of confidential treatment started on May 14, 2010, and ends on May 13, 2013.

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

1. The Division of Ratepayer Advocates' (DRA) motion to file under seal the attachment to DRA's notice of its ex parte communication with Commissioner Bohn and Robert Kinosian on July 6, 2010, is granted, subject to the conditions set forth below.

² PG&E refers to the table as Item 10. At the request of the assigned ALJ, PG&E filed a corrected document on January 4, 2011. None of the corrections apply to Item 10, although PG&E included Item 10 in its corrected document.

³ The PG&E table attached to this ruling contains non-substantive edits.

⁴ D.06-06-066, Appendix 1 at 11, 13, and 14.

2. The document filed under seal at the Commission pursuant to this ruling shall remain under seal through May 13, 2013. Until then, the document shall not be provided to anyone other than the Commission and its staff except upon the further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge, or the Administrative Law Judge then designated as the Law and Motion Judge.

Dated January 31, 2011, at San Francisco, California.

/s/ TIMOTHY KENNEY
Timothy Kenney
Administrative Law Judge

Attachment

Purpose of Table	Period of Time that Confidential Material Shall Remain Under Seal in the Attachment to DRA's Notice of Its July 6, 2010, Ex Parte Communication with Commissioner Bohn and Robert Kinoshian (Notice filed July 15, 2010)
Confidential Material	Forecast of Net Open Position and Peak Load - Electric
Protected under Matrix Category Item V.F	Item V.F, Total Peak Demand Load Forecast - IOU Planning Area (MW) protects the "front three years" of monthly forecasts of the net open expected highest demand (MW) in the IOU system. The redacted information in DRA's attachment provides a forecast for a peak month.
Protected under Matrix Category Item VI.A	Item VI.A, Utility Bundled Net Open (Long or Short) Position for Capacity (MW) specifically protects the utility bundled net open position for the "front three years of forecast." The period for which the net open forecast is given is the period covered by the 2008 LTRFO. Due to DRA's aggregation of data, the net open for the remaining 2 years of the forecast cannot be disclosed without revealing information covered by Item VI A). The confidentiality of all redacted text must be protected.
Protected under Matrix Category Item VI.E	Item VI.E, Utility Planning Area Net Open (Long or Short) for capacity (MW) protects the "front three years" of forecast monthly data from disclosure. The redacted information compares capacity available in a certain planning area during a monthly peak period.
Beginning of Protected Period	May 14, 2010
End of Protected Period	May 13, 2013

(END OF ATTACHMENT)

