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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 8, 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 8, 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 8, 2010, when DRA representatives met with President Peevey, Carol Brown, and Karl Meeusen. 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.
- Start and end dates for the period of time that each piece of information may be placed under seal.

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

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 President Peevey, Carol Brown, and Karl Meeusen on July 8, 2010, is granted, subject to the conditions set forth below.

² PG&E refers to the table as Item 8. At the request of the assigned ALJ, PG&E filed a corrected document on January 4, 2011. None of the corrections apply to Item 8, although PG&E included Item 8 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 February 2, 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 8, 2010, Ex Parte Communication with President Peevey, Carol Brown, and Karl Meeusen (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)

INFORMATION REGARDING SERVICE

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Dated February 2, 2011, at San Francisco, California.

/s/ LILLIAN LI

Lillian Li

N O T I C E

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***** SERVICE LIST *****
Last Updated on 31-JAN-2011 by: AMT
A0910022 LIST
A0910034

***** PARTIES *****

Marc D. Joseph
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD. STE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
mdjoseph@adamsbroadwell.com
For: California Unions for Reliable Energy

Deborah Behles
LUCAS WILLIAMS
Environmental Law And Justice Clinic
GOLDEN GATE UNIVERSITY SCHOOL OF LAW
536 MISSION STREET
SAN FRANCISCO CA 94105-2968
(415) 442-6654
dbehles@ggu.edu
For: Pacific Environment

William Kissinger
BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER, 28TH FL.
SAN FRANCISCO CA 94111
(415) 393-2850
william.kissinger@bingham.com
For: GWF Energy LLC

Brian T. Cragg
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
bcragg@goodinmacbride.com
For: Independent Energy Producers Association

Lynne M. Brown
CALIFORNIANS FOR RENEWABLE ENERGY INC.
24 HARBOR ROAD
SAN FRANCISCO CA 94124
(415) 285-4628
l_brown369@yahoo.com
For: CALifornians for Renewable Energy, Inc. (CARE)

William H. Booth
LAW OFFICES OF WILLIAM H. BOOTH
67 CARR DRIVE
MORAGA CA 94556
(925) 376-7370
wbooth@booth-law.com
For: California Large Energy Consumers Association

Martin Homec
CALIFORNIANS FOR RENEWABLE ENERGY, INC.
EMAIL ONLY CA 00000-0000
(530) 867-1850
martinhomec@gmail.com
For: Californians for Renewable Energy, Inc.

Noel Obiora
Legal Division
505 Van Ness Avenue RM. 4107
San Francisco CA 94102 3298
(415) 703-5987
nao@cpuc.ca.gov
For: DRA

Jeffrey P. Gray
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO CA 94111-6533
(415) 276-6587
jeffgray@dwt.com
For: Calpine Corporation

Alice L. Reid
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET
SAN FRANCISCO CA 94105
alr4@pge.com (415) 973-2966
For: Pacific Gas and Electric Company

Gregory S.G. Klatt
DOUGLASS & LIDDELL
EMAIL ONLY CA 00000
(818) 961-3002
klatt@energyattorney.com
For: Alliance for Retail Energy Matters

Evelyn C. Lee
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B30A
SAN FRANCISCO CA 94105
ecl8@pge.com (415) 973-2786
For: Pacific Gas and Electric

***** SERVICE LIST *****
Last Updated on 31-JAN-2011 by: AMT
A0910022 LIST
A0910034

Robert Sarvey
RACE
501 W. GRANTLINE RD
TRACY CA 95376
(209) 835-7162
sarveybob@aol.com
For: RACE

Hayley Goodson
THE UTILITY REFORM NETWORK
115 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94104
(415) 929-8876
hayley@turn.org
For: The Utility Reform Network

***** STATE EMPLOYEE *****

Matthew Tisdale
CALIFORNIA PUBLIC UTILITIES COMMISSION
EMAIL ONLY
EMAIL ONLY CA 00000
(415) 703-5137
MWT@cpuc.ca.gov

Andrew Campbell
Executive Division
RM. 5203
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2501
agc@cpuc.ca.gov

Steven K. Haine
Energy Division
AREA 4-A
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 355-5553
shi@cpuc.ca.gov

Timothy Kenney
Administrative Law Judge Division
RM. 5015
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1626
tim@cpuc.ca.gov

Karl Meeusen
Executive Division
RM. 5217
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1567
kkm@cpuc.ca.gov

David Peck
Division of Ratepayer Advocates
RM. 4103
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1213
dbp@cpuc.ca.gov

Yuliya Shmidt
Division of Ratepayer Advocates
505 Van Ness Avenue RM. 4104
San Francisco CA 94102 3298
(415) 703-2719
ys2@cpuc.ca.gov

Jake Wise
Energy Division
505 Van Ness Avenue AREA 4-A
San Francisco CA 94102 3298
(415) 703-1677
jw2@cpuc.ca.gov

***** INFORMATION ONLY *****

Elizabeth Klebaner
Attorney At Law
ADAMS BROADWELL JOSEPH & CARDOZO
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO CA 94080
(650) 589-1660
eklebaner@adamsbroadwell.com

Karen Terranova
ALCANTAR & KAHL
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
filings@a-klaw.com

Annie Stange
ALCANTAR & KAHL LLP
1300 SW FIFTH AVENUE, SUITE 1750
PORTLAND OR 97201
(503) 402-8703
sas@a-klaw.com

***** SERVICE LIST *****
Last Updated on 31-JAN-2011 by: AMT
A0910022 LIST
A0910034

Nora Sheriff
ALCANTAR & KAHL, LLP
33 NEW MONTGOMERY STREET, SUITE 1850
SAN FRANCISCO CA 94105
(415) 421-4143
nes@a-klaw.com

Avis Kowalewski
CALPINE CORPORATION
4160 DUBLIN BLVD, SUITE 100
DUBLIN CA 94568
(925) 557-2284
kowalewskia@calpine.com

Todd Edmister
BINGHAM MCCUTCHEN, LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO CA 94111-4067
(415) 393-2520
todd.edmister@bingham.com

Matthew Barmack
CALPINE CORPORATION
4160 DUBLIN BLVD., STE. 100
DUBLIN CA 94568
(925) 557-2267
barmackm@calpine.com

Iryna Kwasny
CAL. DEPT. OF WATER RESOURCES
EMAIL ONLY
EMAIL ONLY CA 00000-0000
(916) 574-2009
ikwasny@water.ca.gov

William Mitchell
COMPETITIVE POWER VENTURES, INC.
55 2ND STREET, SUITE 525
SAN FRANCISCO CA 94105
(415) 293-1469
will.mitchell@cpv.com

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST., SUITE 303
SAN FRANCISCO CA 94117
(415) 963-4439
cem@newsdata.com

Vidhya Prabhakaran
DAVIS WRIGHT & TREMAINE LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO CA 94111
(415) 276-6568
vidhyaprabhakaran@dwt.com

Gwenneth O'Hara
CALIFORNIA POWER LAW GROUP
1215 K STREET, 17TH FLOOR
SACRAMENTO CA 95814
(916) 503-2235
gohara@calplg.com

Jim Spence
DEPARTMENT OF WATER RESOURCES
2033 HOWE AVE., STE. 220
SACRAMENTO CA 95825-0181
jspence@water.ca.gov

Megan Cox
CALIFORNIA POWER LAW GROUP
1215 K STREET, 17TH FLOOR
SACRAMENTO CA 95814
(916) 503-2235
mcox@calplg.com

John Pacheco
DEPARTMENT OF WATER RESOURCES
2033 HOWE AVENUE, SUITE 220
SACRAMENTO CA 95825
(916) 574-0311
jpacheco@water.ca.gov

Michael E. Boyd
President
CALIFORNIANS FOR RENEWABLE ENERGY, INC.
5439 SOQUEL DRIVE
SOQUEL CA 95073-2659
(408) 891-9677
michaelboyd@sbcglobal.net
For: Californians for Renewable Energy, Inc. (CARE)

Daniel W. Douglass
DOUGLASS & LIDDELL
EMAIL ONLY CA 00000
(818) 961-3001
douglass@energyattorney.com

Donald C. Liddell
DOUGLASS & LIDDELL
EMAIL ONLY CA 00000
(619) 993-9096
liddell@energyattorney.com

***** SERVICE LIST *****
Last Updated on 31-JAN-2011 by: AMT
A0910022 LIST
A0910034

Chase B. Kappel
ELLISON SCHNEIDER & HARRIS LLP
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
cbk@eslawfirm.com (916) 447-2166

Andrew Brown
ELLISON, SCHNEIDER & HARRIS L.L.P.
2600 CAPITOL AVE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
abb@eslawfirm.com

Christopher T. Ellison
ELLISON, SCHNEIDER & HARRIS, L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5905
(916) 447-2166
cte@eslawfirm.com

Lynn M. Haug
ELLISON, SCHNEIDER & HARRIS, L.L.P.
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO CA 95816-5931
(916) 447-2166
lmh@eslawfirm.com

Steven Kelly
INDEPENDENT ENERGY PRODUCERS ASSOCIATION
1215 K STREET, SUITE 900
SACRAMENTO CA 95814
(916) 448-9499
steven@iepa.com
For: Independent Energy Producers Association

David Marcus
PO BOX 1287
BERKELEY CA 94701
(510) 528-0728
dmarcus2@sbcglobal.net

James McMahan
29 DANBURY ROAD
NASHUA NH 03064
(603) 591-5898
jmcmahan@8760energy.com

Sean P. Beatty
MIRANT CALIFORNIA, LLC
PO BOX 192
PITTSBURGH CA 94565
(925) 427-3483
sean.beatty@mirant.com

MRW & ASSOCIATES, LLC
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Mari R. Lane
NOSSAMAN LLP
50 CALIFORNIA STREET, 34TH FLOOR
SAN FRANCISCO CA 94111
(415) 398-3600
mlane@nossaman.com

Martin A. Mattes
Counsel
NOSSAMAN, LLP
50 CALIFORNIA STREET, 34TH FLOOR
SAN FRANCISCO CA 94111-4799
(415) 398-3600
mmattes@nossaman.com
For: Contra Costa Generating Station, LLC

Regulatory File Room
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120
(415) 973-4295
CPUCCases@pge.com

Annmarie Roldan
PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, MC N12E
SAN FRANCISCO CA 94105
ABR5@pge.com

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000; MC B9A, 77 BEALE STREET
SAN FRANCISCO CA 94105
(415) 973-4744
regrelcpuccases@pge.com

Charles R. Middlekauff
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120
(415) 973-6971
crmd@pge.com

***** SERVICE LIST *****
Last Updated on 31-JAN-2011 by: AMT
A0910022 LIST
A0910034

Shannon L. Sims
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A / PO BOX 770000
SAN FRANCISCO CA 94105
(415) 973-2112
S2SC@PGE.COM

Karl Kloberdanz
SAN DIEGO GAS AND ELECTRIC/SO CALIF GAS
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
KKloberdanz@SempraUtilities.com
For: San Diego Gas and Electric Company / Southern
California Gas Company

Phillip Muller
SCD ENERGY SOLUTIONS
436 NOVA ALBION WAY
SAN RAFAEL CA 94903
(415) 479-1710
philm@scdenergy.com

Julien Dumoulin-Smith
Associate Analyst
UBS INVESTMENT RESEARCH
1285 AVENUE OF THE AMERICAS
NEW YORK NY 10019
(212) 713-9848
julien.dumoulin-smith@ubs.com

Kevin Woodruff
WOODRUFF EXPERT SERVICES
1100 K STREET, SUITE 204
SACRAMENTO CA 95814
(916) 442-4877
kdw@woodruff-expert-services.com