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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2011 (U39 M).

Application 09-12-020
(Filed December 21, 2009)

And Related Matter.

Investigation 10-07-027

**ADMINISTRATIVE LAW JUDGE’S RULING
ADOPTING CONFIDENTIAL MODELING PROCEDURES**

This ruling adopts procedures for the confidential production of computer-model runs using Pacific Gas and Electric Company’s results of operations (RO) model to generate tables needed for decision support. The use of computer models in Commission proceedings is governed by Pub. Util. Code §§ 1821-1822 and Rules 10.3-10.4 of the Commission’s Rules of Practice and Procedure.

The attached confidential modeling procedures and attendant protective order are adopted by this ruling. They shall govern the RO modeling process that will be administered by the Energy Division.

IT IS RULED that to assure the confidentiality of the Commission’s deliberative process, the modeling procedures set forth in Attachment 1 to this ruling, and the attendant protective order set forth in Attachment 2 to this ruling,

are hereby adopted. Said procedures are binding upon the parties.

Dated September 23, 2010, at San Francisco, California.

/s/ DAVID K. FUKUTOME

David K. Fukutome
Administrative Law Judge

ATTACHMENT 1

RESULTS OF OPERATIONS (RO) MODELING PROCEDURES

Upon request of the Energy Division Director or her designee(s), Pacific Gas and Electric Company (PG&E) and/or the Division of Ratepayer Advocates (DRA) will provide all necessary assistance to the Energy Division in running the RO model used by PG&E in A.09-12-020 to produce tables required for the Administrative Law Judge's (ALJ's) proposed decision, any Commissioner alternate decision, and the Commission-adopted decision. The following requirements shall govern the modeling process:

1. Model run(s) shall be performed at the Commission offices under the supervision, oversight, and control of the Energy Division Director or her designee(s).
2. Model run(s) shall be performed using only computer hardware, software, and media installed or placed in the Commission Offices. Except as provided below, all such hardware, software, and media, and all related notes, worksheets, workpapers and computer output, shall remain in the custody of the Energy Division Director or her designee(s), and shall not be removed from the Commission Offices. However, 30 days after a Commission decision which incorporates the model run becomes final and non-appealable, the hardware and software that belong to PG&E may be returned to PG&E, and the Energy Division Director (or her designee(s)) may destroy any other materials she does not wish to retain. An exception to these provisions is that media, notes, worksheets, and computer output which are part of workpapers associated with model runs supporting the ALJ's proposed decision, and any Commissioner's alternate decision, or revisions to either of them, may be released in accordance with paragraph 6 below, on or after the date of issuance of an ALJ proposed or a Commissioner alternate decision.
3. Any computer equipment used by non-CPUC personnel to perform model runs shall be "stand-alone," i.e., it shall not be connected with any other computer, computer system, equipment, or other device that would allow communication of information in the model, model run, or inputs or outputs.

4. Before obtaining access to any information contained in or pertaining to the ALJ's proposed decision or any Commissioner alternate decision, or revisions to either of them, (prior to the release of any such information pursuant to paragraph 6, below), each employee, agent, or representative of PG&E or DRA involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.

5. The Energy Division Director or her designee(s), shall determine that each employee, agent, or representative of PG&E or DRA who receives access to information about the contents of the ALJ proposed decision, any Commissioner alternate decision, and revisions to either of them, has first signed a certificate of compliance with the protective order. Employees, agents, or representatives of PG&E and DRA who have signed a certificate of compliance with the protective order, shall use information obtained about the contents of the proposed decision, any alternate decision, and any revisions to either of them only to assist in running the RO model, and shall not advise the Commission, including Energy Division, on any issues being considered in A.09-12-020.

6. As soon as practicable after the date of issuance of the ALJ's proposed decision and, if applicable, a Commissioner's alternate decision, or any revised versions of them that are issued for comment, and no later than seven days after the date of such issuance, Energy Division, and if necessary with the assistance of employees, agents, or representatives from PG&E and/or DRA having signed a certificate of compliance with the protective order, shall serve workpapers associated with this modeling upon each party of record making prior written request for them. Workpapers associated with the model runs supporting the ALJ's proposed decision, any revisions to the proposed decision, and any Commissioner alternate decisions and revised alternate decisions shall be designated as Late-Filed Exhibits ALJ-1 through ALJ-10. Workpapers may be served in electronic form.

7. To the extent that Energy Division believes that the workpapers might contain confidential information, it will consult with PG&E and, if necessary, PG&E may file a motion for a protective order to address or limit the parties or individuals who may receive the workpapers. The protective order attached hereto is only designed to protect the Commission's confidential information.

8. Any and all drafts and unused analysis that does not directly support or is required for the ALJ's proposed decision, any Commissioner alternate decision(s), any revisions to ALJ's proposed decision and Commissioner

alternate decision(s), and the Commission-adopted decision, is to be destroyed or otherwise deleted. All information in this category remains confidential permanently and may not be disclosed.

(END OF ATTACHMENT 1)

ATTACHMENT 2

PROTECTIVE ORDER

1. This Protective Order shall govern the use of all protected materials, as defined herein, by (a) Pacific Gas and Electric Company (PG&E), (b) the Commission's Division of Ratepayer Advocates (DRA), and (c) PG&E's and DRA's employees, representatives, and agents.
2. "Protected Materials" include confidential written or oral communications from the staff of the Commission's Energy Division or ALJ Division, or any Commissioner or Commissioner's advisor, which reflect or relate to the contents of the ALJ's proposed decision or any Commissioner alternate decision, or to revisions to either of them, not otherwise released by the Commission. "Protected Materials" also include all computer hardware, software, media, notes, worksheets, workpapers, computer inputs, computer outputs, or any other documents which relate to these written or oral communications from the Energy Division staff.
3. The term "Certificate of Compliance" shall mean the certificate annexed hereto by which the employees, representatives and agents of PG&E and DRA will be granted access to Protected Materials. Said persons shall certify their understanding that access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that they have read the Protective Order and agree to be bound by it. No employee, representative or agent of PG&E or DRA will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, PG&E and DRA shall provide the Commission's Energy Division with the original of each Certificate of Compliance that has been executed, and shall serve a copy of each Certificate of Compliance on all parties on the Commission's service list in this proceeding.
4. The term "Reviewing Representative" shall mean each PG&E and DRA employee, representative, or agent who has signed a Certificate of Compliance and been granted access to the Protected Materials. Each Reviewing Representative shall treat as confidential the Protected Materials and shall not disclose in any manner any information contained in or relating to the Protected Materials to any person, except another Reviewing Representative or an

employee of the Commission involved in the decision making process in this proceeding (excluding DRA employees that have not signed the certificate of compliance with the Protective Order). Each Reviewing Representative shall not use his or her knowledge of any Protected Materials on behalf of PG&E or DRA. Furthermore, employees, agents, or representatives of PG&E and DRA are granted access to Protected Materials only to assist in running the RO model, and shall not advise the Commission, including Energy Division, on any issues considered in A.09-12-020.

5. A supervisor in PG&E management or DRA management, who has authority over each Reviewing Representative, shall instruct each Reviewing Representative to read and agree to comply with this Protective Order. The supervisor in PG&E management or DRA management shall also take all reasonable and necessary steps to ensure that nobody at PG&E or DRA attempts to learn from any Reviewing Representative the contents of any Protected Materials.

6. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2011. (U 39-M)	Application 09-12-020 (Filed December 21, 2009)
Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.	Investigation 10-07-027 (Filed July 29, 2010)

CERTIFICATE OF COMPLIANCE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials and any notes or any other form of information that relates to the Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I will not use knowledge of any Protected Materials on behalf of either Pacific Gas and Electric Company or the Commission's Division of Ratepayer Advocates. I acknowledge that a violation of this certificate constitutes a violation of an order of the California Public Utilities Commission.

By: _____

Title: _____

Representing (PG&E or DRA): _____

Date: _____

(END OF ATTACHMENT 2

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated September 23, 2010, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.