



**FILED**  
04-10-12  
01:35 PM

JSW/ms6 4/10/2012

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.

Application 10-12-005  
(Filed December 15, 2010)

And Related Matter.

Application 10-12-006

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

Consistent with the procedures adopted in the rate case proceedings of other utilities,<sup>1</sup> today's ruling adopts procedures for the confidential production of computer-model runs using the results of operations model of San Diego Gas & Electric Company and Southern California Gas Company to generate the 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 Results of Operations Modeling Procedures (Attachment 1) and the Protective Order (Attachment 2) are adopted by this ruling. They shall

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<sup>1</sup> See September 23, 2010 ruling in Application (A.) 09-12-020 and Investigation 10-07-027 for Pacific Gas and Electric Company, and the June 13, 2011 and July 22, 2011 rulings in A.10-11-015 for Southern California Edison Company.

govern the results of operation 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 Results of Operations Modeling Procedures set forth in Attachment 1 to this ruling, and the Protective Order set forth in Attachment 2 to this ruling, are hereby adopted. Said procedures are binding upon the parties.

Dated April 10, 2012, at San Francisco, California.

          /s/ JOHN S. WONG            
John S. Wong  
Administrative Law Judge

# **ATTACHMENT 1**

## ATTACHMENT 1

### RESULTS OF OPERATIONS (RO) MODELING PROCEDURES

Upon request of the Energy Division Director or his designee(s), San Diego Gas & Electric Company (SDG&E), Southern California Gas Company (SoCalGas), and/or the Division of Ratepayer Advocates (DRA) will provide all necessary assistance to the Energy Division in running the RO model used by SDG&E and SoCalGas in Application (A.) 10-12-005 and A.10-12-006 to produce tables required for the Administrative Law Judge's (ALJ) 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 his 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 his 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 SDG&E and/or SoCalGas may be returned, and the Energy Division Director (or his designee(s)) may destroy any other materials he 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-Commission 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 SDG&E, SoCalGas, or DRA involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.

5. The Energy Division Director or his designee(s), shall determine that each employee, agent, or representative of SDG&E, SoCalGas, 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 SDG&E, SoCalGas, or 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.10-12-005 and A.10-12-006.

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 SDG&E, SoCalGas 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 Exhibit ALJ-1 and continuing as needed. 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 SDG&E and/or SoCalGas and, if necessary, SDG&E and/or SoCalGas 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**

## **ATTACHMENT 2**

### **PROTECTIVE ORDER**

1. This Protective Order shall govern the use of all protected materials, as defined herein, by (a) San Diego Gas & Electric Company (SDG&E), (b) Southern California Gas Company (SoCalGas), (c) the Commission's Division of Ratepayer Advocates (DRA), and (d) SDG&E's, SoCalGas'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 Administrative Law Judge (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 SDG&E, SoCalGas, 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 SDG&E, SoCalGas, or DRA will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, SDG&E, SoCalGas, 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 SDG&E, SoCalGas, 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 SDG&E, SoCalGas, or DRA. Furthermore, employees, agents, or representatives of SDG&E, SoCalGas, 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.10-12-005 and A.10-12-006.

5. A supervisor in SDG&E management, SoCalGas 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 SDG&E management, SoCalGas management, or DRA management shall also take all reasonable and necessary steps to ensure that nobody at SDG&E, SoCalGas, 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.

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**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 San Diego Gas & Electric Company, Southern California Gas 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 (SDG&E, SoCalGas, DRA): \_\_\_\_\_

Date: \_\_\_\_\_

**(END OF ATTACHMENT 2)**