

AYK/rs6 5/15/2012



**FILED**

05-15-12  
10:10 AM

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

Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications (U39M).

Application 11-03-014  
(Filed March 24, 2011)

And Related Matters.

Application 11-03-015  
Application 11-07-020

**ADMINISTRATIVE LAW JUDGE'S RULING SEEKING FURTHER INFORMATION REGARDING THE MARCH 30, 2012 MOTION FILED BY THE DIVISION OF RATEPAYER ADVOCATES**

On March 30, 2012 the Division of Ratepayer Advocates (DRA) filed a public notice of an *ex parte* communication which disclosed that DRA Acting Director Joseph P. Como delivered a copy of a confidential report entitled "Case Study of Smart Meter System Deployment: Recommendations for Ensuring Ratepayer Benefits" (Smart Meter Case Study) along with a non-confidential cover memo and appendices to the offices of Commission President Michael Peevey, Commissioner Mark Ferron, Commissioner Mike Florio, Commissioner Catherine Sandoval, and Commissioner Timothy Alan Simon. A redacted version of the Smart Meter Case Study is attached to the public notice.

Also on March 30, 2012, DRA filed a motion to file under seal a non-redacted copy of the Smart Meter Case Study. The motion claims the

confidential information addresses the costs and benefits of deployment of Southern California Edison's (SCE) "SmartConnect" advanced metering infrastructure to date. DRA argues that "this information is deemed market sensitive, and has been designated confidential pursuant to Public Utilities Code Section 583 and General Order 66-C," presumably by SCE.

DRA did not provide any documentation or argument to support its claim that each piece of redacted information has been "deemed market sensitive" or otherwise has, or should be, found by the Commission to qualify to be filed under seal. Therefore, there is insufficient information to grant DRA's request.

**IT IS RULED that:**

1. No later than ten days after the date of this ruling, Division of Ratepayer Advocates and/or Southern California Edison shall file and serve the following information for each number or piece of text that it seeks to have designated confidential pursuant to Pub. Util. Code § 583 or General Order 66-C:
  - a. Any prior Commission ruling which examined the information at issue and determined it to qualify under the Commission's rules to be sealed from public view;
  - b. Specific legal authority for finding a basis to exclude each piece of information at issue from public disclosure;
  - c. An argument for why each piece of information at issue qualifies for the proposed exclusion; and
  - d. The specific period of time that the identified information shall remain under seal.

2. Any information filed and served by Southern California Edison and/or Division of Ratepayer Advocates (DRA) in response to the above paragraph shall so be filed and served in any other proceeding in which DRA has filed a similar motion to file an un-redacted version of the Smart Meter Case Study under seal.

Dated May 15, 2012, at San Francisco, California.

/s/ AMY C. YIP-KIKUGAWA  
Amy C. Yip-Kikugawa  
Administrative Law Judge