



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

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Application of Pacific Gas and Electric Company for Compliance Review of Utility Owned Generation Operations, Portfolio Allocation Balancing Account Entries, Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel Procurement, and Other Activities for the Record Period January 1 Through December 31, 2021.

Application No. 22-02-0192202015
(Filed February 28, 2022)

(U39E)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U39E)
FOR CONFIDENTIAL TREATMENT OF INFORMATION**

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Dated: February 1, 2023

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

Application of Pacific Gas and Electric Company for Compliance Review of Utility Owned Generation Operations, Portfolio Allocation Balancing Account Entries, Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel Procurement, and Other Activities for the Record Period January 1 Through December 31, 2021.

(U39E)

Application No. 22-02-015
(Filed February 28, 2022)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U39G/U39E)
FOR CONFIDENTIAL TREATMENT OF INFORMATION**

Pursuant to Rule 11.1 of the California Public Utilities Commission (CPUC) Rules of Practice and Procedure and the January 6, 2023 *Ruling Amending Proceeding Schedule*, Pacific Gas and Electric Company (PG&E) respectfully submits this motion for confidential treatment of PG&E’s confidential information contained in the testimony served by the Alliance for Nuclear Responsibility (A4NR) on October 31, 2022.

I. INTRODUCTION AND BACKGROUND

PG&E’s Application seeks CPUC compliance review of PG&E operations and approval of recovery of certain costs for the period January 1 through December 31, 2021, among other things. In connection with this proceeding, A4NR executed a Non-Disclosure Agreement (NDA) in order to receive PG&E’s confidential responses to certain data requests. Following receipt of those responses, on October 31, 2022, A4NR served testimony seeking disallowance of certain costs incurred by PG&E. Consistent with the procedures contained in the NDA, the portions of A4NR’s testimony containing information PG&E believed justified confidential treatment were redacted in the public version of the served testimony.

On December 12, 2022, A4NR requested that PG&E remove all confidentiality designations from A4NR’s testimony. Following further discussion consistent with Paragraph 10 of the NDA executed by A4NR, PG&E proposed a compromise, which A4NR rejected. After

the January 6, 2023 ruling instructed A4NR and PG&E to continue negotiations in an attempt to reach a compromise, A4NR and PG&E reached agreement regarding a subset of the disputed redactions, which are not addressed in this motion.^{1/}

For purposes of this motion, PG&E has grouped the remaining disputed confidentiality redactions contained in A4NR's testimony into two primary subject areas: (1) portions of A4NR's testimony quoting or summarizing opinions and conclusions constituting self-critical analysis contained in PG&E's root cause evaluation reports, and (2) portions of A4NR's testimony quoting or summarizing confidential Siemens reports subject to contractual confidentiality obligations between PG&E and Siemens. Attachment A presents the confidentiality matrix for all testimony where PG&E seeks confidential treatment presently disputed by A4NR, including a declaration by Thomas Baldwin in support of the matrix.

II. OPINIONS AND CONCLUSIONS CONTAINED IN THE ROOT CAUSE EVALUATIONS

A4NR's testimony quotes extensively from PG&E's root cause evaluation reports prepared in connection with the six outages for which A4NR seeks the disallowance of related costs. PG&E agrees that the majority of those quotations can be un-redacted. PG&E nevertheless seeks limited, tailored confidentiality redactions applied to a limited portion of the quoted excerpts of these root cause evaluation reports that reflect PG&E's opinions or conclusions. These redactions should be permitted because the public interest in keeping these excerpts confidential outweighs the public interest in their disclosure. *See* D. 07-05-032 (modifying D. 06-06-066) at 5; GO 66-D, Sec. 3.3.

This approach to confidentiality is consistent with CPUC precedent in multiple respects. First, the CPUC has consistently held that it will rely only on facts contained in root cause

^{1/} Consistent with the ALJ's January 6, 2023 ruling, this motion is limited to disputed confidentiality issues. On January 23, 2023, PG&E submitted the parties' joint motion seeking the admission into the record of all the public exhibits in this proceeding. On January 25, 2023, PG&E filed a Motion to Seal Portions of the Evidentiary Record, including the confidential version of A4NR's testimony as well as the confidential attachments. Exhibit ANR-01 will be updated to reflect the ALJ's ruling on this motion.

evaluation reports, not any opinions or conclusions, in making determinations regarding the prudence of utility conduct. *See, e.g.* D. 11-10-002 at 10-11; D. 16-04-006 at 24. The public interest in disclosure attaches to the testimony upon which the Commission may base its decision, namely, the facts contained in the root cause evaluation reports, which PG&E’s proposal would make public. Consistent with precedent, the Commission would not rely on the redacted materials, which reflect opinions.

Second, confidentiality of limited portions of the root cause evaluations included in A4NR’s testimony is in the public interest because the redacted opinions and conclusions constitute self-critical analysis by PG&E. Public disclosure could “discourage utilities from pursuing ... self-critical analysis” in the future, and “hinder the flow of information” that “promote[s] plant reliability and safety, which are recognizable public benefits.” *In Re S. California Edison Co.*, 43 CPUC 2d 738, D. 92-04-033, 1992 Cal. PUC LEXIS 334, *15-16, (Apr. 8, 1992). As the CPUC and numerous other energy regulatory bodies have recognized, maintaining confidentiality over reports containing self-critical analysis is justified by the public interest in fostering full candor and disclosure in the self-evaluation process. *Id.*; *see also In the Matter of Pac. Gas & Elec. Co. (Diablo Canyon Nuclear Power Plant, Units 1 & 2)*, 38 N.R.C. 11, 15–16 (July 19, 1993) (recognizing potential “chilling effect” of disclosure of self-critical analysis); *In Re Pub. Serv. Co. of New Hampshire*, 83 N.H.P.U.C. 438, 1998 N.H. PUC LEXIS 86, *1-3 (Aug. 31, 1998) (granting confidentiality to self-critical analysis based on utility argument that this would “foster free expression by employees of nuclear generating plants”). Confidential treatment is further justified here because any public interest in disclosure of this self-critical analysis is minimal, given that the root cause evaluation reports in question do not relate to safety issues at DCP. *See In Re S. California Edison Co.*, 43 CPUC 2d 738, D. 92-04-033, 1992 Cal. PUC LEXIS 334, *18-19 (finding confidential treatment of self-critical analysis warranted “especially in the case of a review which is not safety related”).

In past proceedings, the Commission has granted requests for confidential treatment of root cause evaluation reports in their entirety. *See* D. 16-04-006 at 7, 82-83. It should do the same here with respect to the narrowly tailored confidentiality designations PG&E seeks.

In an attempt to resolve this matter informally, PG&E presented A4NR with a proposal to un-redact major portions of the quotations from the root cause evaluation reports, while maintaining redactions of selected passages reflecting opinions or conclusions. A4NR did not specifically dispute the lines PG&E had drawn between facts and opinions/conclusions, but nevertheless rejected PG&E’s proposed compromise, without explanation.

The confidential information redacted in A4NR’s testimony containing quotes or summaries of self-critical analysis in PG&E’s root cause evaluation reports is as follows:

Testimony	Redaction Reference Associated With Opinions and Conclusions in PG&E’s Root Cause Evaluation Reports ^{2/}
A4NR Testimony	p. 8 (ln 24-34); p. 11 (ln 19-21); p. 16 (ln 4-18); p. 18 (ln 4-36); p. 19 (ln 2-10, 17-39); p. 20 (ln 30-32); p. 21 (ln 9-13, 33-37); p. 22 (ln 5-16); p. 24 (ln 11-38); p. 25 (ln 1-11); p. 31 (ln 25-41); p. 36 (ln 13-29); p. 37 (ln 20-36); p. 38 (ln 1-13, 25-32); p. 39 (ln 15-34); p. 40 (ln 7-13, 23-33); p. 41 (ln 1-7, 22-32); p. 42-45 (all); p. 46 (ln 1-2); p. 47 (ln 2-16); p. 50 (ln 15-21); p. 50 (ln 15-21); p. 51 (ln 1-35); p. 52 (ln 1-3, 5-13, 18-24); p. 55 (ln 10-11, 14-17)

III. PROPRIETARY VENDOR INFORMATION SUBJECT TO CONTRACTUAL CONFIDENTIALITY OBLIGATIONS

In addition to the redactions described above, PG&E also asserts confidential protection of portions of A4NR’s testimony containing excerpts from confidential reports issued by Siemens. These reports are quoted or paraphrased in portions of PG&E’s root cause evaluation reports contained in A4NR’s testimony. PG&E is subject to contractual nondisclosure and confidentiality obligations with respect to materials designated confidential by Siemens, including with respect to potential disclosure in CPUC proceedings, as a result of Siemens’ involvement in the DCPD Unit 2 stator rebuild project. As with the self-critical analysis

^{2/} This table contains all currently disputed confidentiality redactions related to self-critical analysis in PG&E’s root cause evaluation reports quoted or paraphrased in A4NR’s testimony and is consistent with PG&E’s prior compromise offer to A4NR.

discussed above, the public interest in keeping this material confidential (consistent with PG&E's contractual obligations to Siemens) outweighs the public interest in disclosure of Siemens' confidential information. *See* D. 07-05-032 (modifying D. 06-06-066) at 5; GO 66-D, Sec. 3.3.

Filing this confidential third-party vendor information publicly would harm the public interest. It would complicate PG&E's ability to successfully negotiate future contracts with Siemens (a major international provider of generator-related products and services) and other potential vendors, by creating doubt regarding its ability to maintain confidentiality of proprietary and other sensitive information in connection with future service contracts. It would also create challenges for utilities in the investigation and preparation of future root cause evaluation reports. Vendors seeking to keep their proprietary information confidential may become less cooperative in the investigative process, out of concern that their confidential reports will be included in root cause evaluation reports and later released to the public when incorporated into testimony, as A4NR has done here.

In recognition of the importance Siemens places on the confidentiality of this information, included as Attachment B to this Motion is a declaration from Siemens, further supporting confidential treatment.

CPUC precedent further supports confidential treatment of proprietary and confidential third-party vendor information, which has repeatedly been granted confidential treatment by the Commission. *See, e.g.* D. 11-01-036 at 5; D. 20-03-018 at 12. Consistent with this precedent, the Commission should also grant confidential treatment for these portions of A4NR's testimony.

In an attempt to resolve this matter informally, PG&E presented A4NR with a proposal to un-redact major portions of the quotations from the root cause evaluation reports, while maintaining redactions of selected passages reflecting Siemens' confidential information. A4NR rejected PG&E's proposed compromise, as well, without explanation.

The confidential information redacted in A4NR’s testimony constituting excerpts of Siemens’ reports subject to contractual confidentiality obligations is as follows:

Testimony	Redaction Reference Associated With Siemens’ Confidential Information Subject To Contractual Confidentiality Obligations^{3/}
A4NR Testimony	p. 9 (ln 5-33); p.13 (ln 8-12, 16-20); p. 14 (ln 1-3, 7-8, 38-41); p. 15 (ln 5-8, 32-35); p. 20 (ln 24-28); p. 21 (ln 1-4); p. 41 (ln 11-15)

IV. CONCLUSION

Consistent with modified D.06-06-066 and GO 66-D, PG&E respectfully requests this motion be granted for confidential treatment of the disputed information contained in A4NR’s testimony, and to remain confidential during this proceeding.

Respectfully Submitted,

JENNIFER K. POST

By: /s/ Jennifer K. Post
JENNIFER K. POST

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Attorney for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: February 1, 2023

^{3/} This table contains all currently disputed confidentiality redactions related to Siemens’ confidential information quoted in A4NR’s testimony, and is consistent with PG&E’s prior compromise offer to A4NR.

ATTACHMENT A

Tom Baldwin

**Declaration Supporting Confidential Designation
on Behalf of
Pacific Gas and Electric Company (U 39 E)**

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

**DECLARATION SUPPORTING CONFIDENTIAL DESIGNATION
ON BEHALF OF
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)**

1. I, Thomas Baldwin, am a Director in PG&E's Nuclear Generation Business Operations department. Maureen Zawalick, the Vice President of the Decommissioning & Technical Services organization of PG&E, delegated authority to me to sign this declaration. My business office is located at:

Pacific Gas and Electric Company
9 MI N/W of Avila Beach
San Luis Obispo, CA 93424

2. PG&E will produce the information identified in paragraph 3 of this Declaration to the California Public Utilities Commission ("CPUC") or departments within or contractors retained by the CPUC in response to a CPUC audit, data request, proceeding, or other CPUC request.

Name or Docket No. of CPUC Proceeding (if applicable): A.22-02-015: 2021 Energy Resource Recovery Account (ERRA) Compliance Review

3. Title and description of document(s): PG&E and third party vendor information contained in three PG&E cause evaluation reports referenced extensively in the Alliance for Nuclear Responsibility's Testimony and included as Attachments A-C to the Testimony in PG&E's 2021 Energy Resource Recovery Account Compliance Review Application (Ex. ANR-01-C).
4. These documents contain confidential information that, based on my information and belief, has not been publicly disclosed. These documents have been marked as confidential, and the basis for confidential treatment and where the confidential information is located on the

documents are identified on the following chart with further detail provided in Appendix A, which is incorporated into this declaration:

Check	Basis for Confidential Treatment	Where Confidential Information is located on the documents
<input type="checkbox"/>	<p>Customer-specific data, which may include demand, loads, names, addresses, and billing data</p> <p>(Protected under PUC § 8380; Civ. Code §§ 1798 <i>et seq.</i>; Govt. Code § 6254; Public Util. Code § 8380; Decisions (D.) 14-05-016, 04-08-055, 06-12-029)</p>	
<input type="checkbox"/>	<p>Personal information that identifies or describes an individual (including employees), which may include home address or phone number; SSN, driver’s license, or passport numbers; education; financial matters; medical or employment history (not including PG&E job titles); and statements attributed to the individual</p> <p>(Protected under Civ. Code §§ 1798 <i>et seq.</i>; Govt. Code § 6254; 42 U.S.C. § 1320d-6; and General Order (G.O.) 77-M)</p>	
<input type="checkbox"/>	<p>Physical facility, cyber-security sensitive, or critical energy infrastructure data, including without limitation critical energy infrastructure information (CEII) as defined by the regulations of the Federal Energy Regulatory Commission at 18 C.F.R. § 388.113</p> <p>(Protected under Govt. Code § 6254(k), (ab); 6 U.S.C. § 131; 6 CFR § 29.2)</p>	
<input checked="" type="checkbox"/>	<p>Proprietary and trade secret information or other intellectual property and protected market sensitive/competitive data</p> <p>(Protected under Civ. Code §§3426 <i>et seq.</i>; Govt. Code §§ 6254, <i>et seq.</i>, e.g., 6254(e), 6254(k), 6254.15; Govt. Code § 6276.44; Evid. Code §1060; D.11-01-036)</p>	See Appendix A below.
<input type="checkbox"/>	<p>Corporate financial records</p> <p>(Protected under Govt. Code §§ 6254(k), 6254.15)</p>	

Third-Party information subject to non-disclosure or confidentiality agreements or obligations

(Protected under Govt. Code § 6254(k); see, e.g., CPUC D.11-01-036)

Other categories where disclosure would be against the public interest (Govt. Code § 6255(a)): The public interest in PG&E (and other entities) performing self-critical analysis

outweighs the public interest in disclosure because public disclosure creates a disincentive to the performance of self-critical analysis and inhibits implementation of corrective actions and continuous improvement.

See Appendix A below.

5. The importance of maintaining the confidentiality of this information outweighs any public interest in disclosure of this information. This information should be exempt from the public disclosure requirements under the Public Records Act and should be withheld from disclosure.
6. I declare under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.
7. Executed on this 20th day of January, 2023 at San Francisco, California.

/s/ Thomas Baldwin

Thomas Baldwin
Director of Nuclear Generation Business
Operations
Pacific Gas and Electric Company

PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)

2021 ENERGY RESOURCE RECOVERY ACCOUNT (ERRA)

COMPLIANCE REVIEW APPLICATION

APPENDIX A TO DECLARATION FOR

PG&E AND THIRD PARTY VENDOR INFORMATION CONTAINED IN ALLIANCE FOR NUCLEAR RESPONSIBILITY'S
TESTIMONY AND ATTACHMENTS SUBMITTED IN PG&E'S 2021 ENERGY RESOURCE RECOVERY ACCOUNT
COMPLIANCE REVIEW APPLICATION

ATTACHMENT NAME	DOCUMENT NAME	CATEGORY OF CONFIDENTIALITY	LOCATION
Alliance for Nuclear Responsibility's Prepared Testimony and Attachments	Exhibit ANR-1-CONFIDENTIAL: Alliance for Nuclear Responsibility's Prepared Testimony of John Geesman - Confidential incl Attachments A to C	Proprietary and trade secret information or other intellectual property and protected market sensitive/competitive data Other categories where disclosure would be against the public interest	All redacted information in Alliance for Nuclear Responsibility's Prepared Testimony and Attachments

ATTACHMENT B

Thomas Arzenti

**Declaration of Siemens Energy, Inc. in Support of
Pacific Gas and Electric Company's Motion for Confidential
Treatment of Information**

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

Application of Pacific Gas and Electric Company for Compliance Review of Utility Owned Generation Operations, Portfolio Allocation Balancing Account Entries, Energy Resource Recovery Account Entries, Contract Administration, Economic Dispatch of Electric Resources, Utility Owned Generation Fuel Procurement, and Other Activities for the Record Period January 1 Through December 31, 2021. (U39E)

Application No. 22-02-015
(Filed February 28, 2022)

**DECLARATION OF SIEMENS ENERGY, INC. IN SUPPORT OF PACIFIC GAS AND
ELECTRIC COMPANY’S MOTION FOR CONFIDENTIAL TREATMENT OF
INFORMATION**

1. I, Thomas Arzenti, am the manager of the Nuclear Mods and Upgrades group in Siemens Energy Inc.’s (Siemens Energy) Generation Services division.
2. I am submitting this declaration in support of PG&E’s Motion for Confidential Treatment of Information.
3. The facts stated herein are based upon my employment experience at Siemens Energy, and except to the extent otherwise stated, I have personal knowledge of those facts.
4. As a project management professional in SiemensEnergy’s Generation Services division, I have personal knowledge of both Siemens Energy’s relevant contractual relationship with PG&E (described in more detail below), and of Siemens Energy’s general practices with respect to contract negotiation and client management in the power generation industry.
5. In connection with Siemens Energy’s work on the Diablo Canyon Unit 2 Stator Rebuild project, Siemens Energy entered into a detailed contract with PG&E governing the terms, procedures, and specifications applicable to this work (the “Contract”). The Contract contains detailed confidentiality obligations, applicable to both PG&E and Siemens Energy,

requiring PG&E to protect Siemens Energy's confidential information to the fullest extent possible in connection with any Commission proceedings.

6. I have reviewed a document containing excerpts of Siemens Energy's reports contained in testimony submitted the Alliance for Nuclear Responsibility's (A4NR) Testimony in the proceeding,
7. The excerpts of A4NR's testimony each contain confidential and/or proprietary Siemens Energy's information that, based on my information and belief, has not been publicly disclosed. The documents containing this confidential and proprietary information have been marked as confidential, are treated as confidential in the regular course of Siemens Energy's business, and qualify for the contractual confidentiality obligations contained in the Contract. Additionally, one excerpt described a proprietary vibration limit that would constitute a Siemens Energy trade secret. [Page 15 lines 5-8, 32-35]. If competitors had access to Siemens Energy trade secrets, it would harm Siemens Energy's ability to differentiate itself in the marketplace, which would negatively impact Siemens Energy's ability to compete and win business over its competitors.
8. The importance of maintaining the confidentiality of this information outweighs any public interest in disclosure of this information, for the reasons articulated in PG&E's motion attaching this declaration. This information should be withheld from disclosure in this proceeding.
9. To the best of my knowledge and belief, Siemens Energy seeks equivalent (or greater) confidentiality provisions in every negotiation over similar services related to energy generation with utilities and other entities. Whether PG&E is likely to be able to minimize disclosure of Siemens Energy's confidential information consistent with its contractual

obligations is a consideration that would factor into future contract negotiations with PG&E regarding additional services, and any decisions by Siemens Energy to ultimately provide services, subject in any case to other relevant business considerations.

10. To the best of my knowledge and belief, I anticipate that disclosure of confidential Siemens Energy's information in this proceeding may also lead to challenges for future root cause evaluation investigation collaboration with PG&E, or other utilities subject to similar proceedings before the Commission. If Siemens Energy perceives a greater likelihood that confidential and proprietary reports and information are likely to be publicly-disclosed if used in connection with the preparation of a root cause evaluation report, it will factor that assessment into its future collaboration conduct. That may result in delays attributable to a need for greater internal review by Siemens Energy of those materials prior to disclosure to PG&E, or potentially a decision by Siemens Energy to consider declining to provide certain reports to PG&E if Siemens Energy perceives that the risk of public disclosure of confidential and proprietary information outweighs other pertinent considerations. As before, such a decision would be subject to any other relevant business considerations.
11. Moreover, as described in greater detail in paragraph 7, above, the identified confidential Siemens Energy information summarized in A4NR's testimony contains information that derives an independent economic value (actual or potential) from not being generally known to the public, and is subject to reasonable efforts by Siemens Energy to maintain its secrecy. To the best of my knowledge and belief, this further qualifies it for protection, consistent with Cal. Gov. Code § 7927.705 and Cal. Evid. Code § 1060.
12. I declare under penalty of perjury under the laws of California that the foregoing is true, correct, and complete to the best of my knowledge.

13. Executed on January 31, 2023 at Orlando, Florida.

/s/Thomas Arzenti

Thomas Arzenti

Manager, Nuclear Mods & Upgrades
Siemens Energy Inc.