

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



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Order Instituting Rulemaking to
Update and Amend Commission
General Order 131-D.

Rulemaking 23-05-018
(Filed May 18, 2023)

**MOTION OF THE CENTER FOR BIOLOGICAL DIVERSITY
FOR LEAVE TO FILE
CONFIDENTIAL CORPORATE FINANCIAL RECORDS
UNDER SEAL
WITH EXTENSION OF TIME
AND PROPOSED ORDER**

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May 31, 2024

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Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, the Center for Biological Diversity (“Center”) respectfully submits this motion for leave to file the Center’s financial records, as directed by the April 24, 2024 ruling of Administrative Law Judge’s Park and Mutialu (“Ruling”), as confidential documents under seal.

The public version of the Center’s financial records was filed concurrently with this motion as part of the Center’s Supplement to the Notice of Intent to Claim Intervenor Compensation.

The Commission also requested the Center to provide this information by June 10, 2024, 45 days following the Ruling. The Center further moves to extend the time to comply with this request to June 20, 2024.

I. Basis for Confidentiality

The Center is a non-profit membership corporation advancing the conservation of

endangered species and the protection of their habitats against the climate emergency. As part of that mission, the Center strives to reduce the environmental impacts of energy policy and development, including greenhouse gas emissions and harm to imperiled plants and wildlife. The Center's Energy Justice Program advocates for and educates the public about renewable energy, including the need to maximize distributed energy resources and other aspects of the transition from fossil fuels. In this capacity, the Center represents its approximately 207,831 California members, many of whom are residential ratepayers.

On April 24, 2024, the Commission directed the Center to provide additional information to supplement the Center's August 15, 2023 Notice of Intent to Claim Intervenor Compensation in order to determine the Center's Showing of Significant Financial Hardship. The Commission directed the Center to provide the following information:

- (1) If within the last three years Center for Biological Diversity has received contributions or grants, or entered into any contracts related to its mission, the names of the contributors, grantors or contracting party, and specific purposes of the contributions, grants, or contracts.
- (2) Center for Biological Diversity's annual income and expense statements, (audited, if readily available) for the three most recent fiscal years.
- (3) If Center for Biological Diversity's officers, directors, or voting members/constituents have held leadership positions at entities (including commercial, non-profit, or governmental entities) participating in an industry or market regulated by the Commission or have been affiliated with such industry or market participants, list the name of each entity and the individual's role at each entity.

The Center provides this information in the concurrently filed Supplement to Notice of Intent to Claim Intervenor Compensation. Category (1) above, however, constitutes confidential

financial records that are exempt from disclosure, pursuant to California Government Code §§ 7927.705 and 7927.605.¹

II. Extension of Time

The Center timely submits the above information pursuant to the Ruling. However, Center Energy Justice Program staff will be unavailable during the entire week of June 3, 2024. Therefore, to allow for adequate time to respond to any additional rulings or requests regarding the supplemental information provided pursuant to the Ruling, the Center respectfully requests that the Commission extend the deadline to comply with the Ruling’s request by 10 days to June 20, 2024.

III. Conclusion

For the foregoing reasons, the Center respectfully requests that the Commission grant this motion. A proposed ruling is attached to this motion.

Dated: May 31, 2024

Respectfully submitted,

By: _____/s/_____
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¹ Cal. Gov. Code § 7927.705 (“Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.”); Cal. Gov. Code § 7927.605(a) (“Nothing in this division requires the disclosure of records that are . . . corporate financial records.”)

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[PROPOSED] RULING

In accordance with its Rules of Practice and Procedure, the California Public Utilities Commission (“Commission”) has considered the May 31, 2024 motion of the Center for Biological Diversity for Leave to File Confidential Corporate Financial Records Under Seal.

The Commission rules as follows:

1. The Center for Biological Diversity’s Motion is granted.
2. The Center for Biological Diversity’s financial records shall remain under seal and shall not be made accessible or disclosed to anyone other than the Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned Administrative Law Judge (“ALJ”), or the ALJ then designated as Law and Motion Judge.
3. If required, the Center may further supplement the supplemental information requested in the April 24, 2024 ruling of Administrative Law Judge’s Park and Mutialu by June 20, 2024.

Dated: _____, _____ at San Francisco, California.

Administrative Law Judge