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**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, 2024. (U39E.)

Application 25-02-013

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING JOINT MOTION TO ENTER EVIDENCE INTO THE EVIDENTIARY RECORD AND GRANTING PACIFIC GAS AND ELECTRIC COMPANY'S MOTION TO SEAL THE EVIDENTIARY RECORD**

This ruling grants the parties' Joint Motion of Pacific Gas and Electric Company (U39E) (PG&E), the Public Advocates Office at The California Public Utilities Commission, and The California Community Choice Association to Enter Evidence into the Evidentiary Record. This ruling also grants PG&E's Motion to Seal the Evidentiary Record.

**1. Procedural Background**

On February 28, 2025, Pacific Gas and Electric Company (PG&E) filed this Application 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, 2024 (Application).

On April 4, 2025, the California Community Choice Association<sup>1</sup> (CalCCA) and the Public Advocates Offices of the California Public Utilities Commission (Cal Advocates) filed protests to the Application.

The assigned Administrative Law Judge (ALJ) held a prehearing conference on April 18, 2025. On May 2, 2025, assigned Commissioner John Reynolds issued a Scoping Memo and Ruling (Scoping Memo) setting forth the issues to be decided and the schedule for this proceeding.

On August 15, 2025, CalCCA moved to amend the procedural schedule to extend the discovery timeline until the beginning of evidentiary hearings. On August 15, 2025, the assigned ALJ denied the motion without prejudice.

On September 15, 2025, CalCCA and Cal Advocates served their opening testimony. PG&E served rebuttal testimony on October 24, 2025.

On November 3, 2025, the parties filed a Joint Status Conference Statement requesting additional time to conduct settlement discussions and requesting to reopen discovery between PG&E and CalCCA.

On November 10, 2025, the assigned ALJ issued a ruling reopening discovery for a limited time, amending the proceeding schedule to remove the

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<sup>1</sup> California Community Choice Association represents 24 community choice electricity providers in California: Apple Valley Choice Energy, Ava Community Energy, Central Coast Community Energy, Clean Energy Alliance, Clean Power Alliance of Southern California, CleanPowerSF, Desert Community Energy, Energy For Palmdale's Independent Choice, Lancaster Energy, Marin Clean Energy, Orange County Power Authority, Peninsula Clean Energy, Pico Rivera Innovative Municipal Energy, Pioneer Community Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Santa Barbara Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy.

timeline for settlement, and directing the parties to file an updated status conference statement. The parties filed a joint status conference statement on November 25, 2025.

On December 2, 2025, the assigned ALJ held a virtual status conference, at which, the assigned ALJ modified the proceeding schedule to remove evidentiary hearings.

On December 15, 2025, the parties filed a joint motion to enter evidence into the evidentiary record, accompanied by PG&E's motion to seal the evidentiary record.

On December 23, 2025, the assigned ALJ directed the parties to prepare supplemental testimony on a discrete issue and modified the proceeding schedule.

## **2. Joint Motion to Enter Evidence into the Evidentiary Record**

I hereby mark and identify the following documents, some of which are subject to PG&E's Motion to Seal the Evidentiary Record, which will be addressed below:

<b>Exhibit Number</b>	<b>Party</b>	<b>Exhibit Name, Description, Sponsoring Witness</b>
PG&E-01	PG&E	Prepared Testimony (Public)
PG&E-01-C	PG&E	Prepared Testimony (Confidential)
PG&E-01-C-A	PG&E	Prepared Testimony-ARB (Confidential Redacted)
PG&E-02	PG&E	Errata Testimony (Public and clean)
PG&E-02-R	PG&E	Errata Testimony (Public and red-lined)
PG&E-03	PG&E	Rebuttal Testimony (Public)
PG&E-03-C	PG&E	Rebuttal Testimony (Confidential)

<b>Exhibit Number</b>	<b>Party</b>	<b>Exhibit Name, Description, Sponsoring Witness</b>
PG&E-04	PG&E	Workpapers supporting chapters 2,3,4,11 and 12 of prepared testimony (Public)
PG&E-04-C	PG&E	Workpapers supporting prepared testimony (Confidential)
PG&E-04-C-A	PG&E	Workpapers supporting prepared testimony (ARB Confidential-CPUC only)
PG&E-05	PG&E	Workpapers supporting chapters 9 and 17 of prepared testimony (Public)
PG&E-06-C	PG&E	PG&E responses to CalCCA's Data Request 005, Questions 1-3 and 6 (Confidential)
PAO-01	PAO <sup>2</sup>	Prepared Testimony (Public)
PAO-01-C	PAO	Prepared Testimony (Confidential)
PAO-02	PAO	Appendix B Supporting Attachments to the Public Advocates Office Prepared Testimony (Public)
PAO-02-C	PAO	Appendix B Supporting Attachments to the Public Advocates Office Prepared Testimony (Confidential)
CalCCA-01	CalCCA	Testimony of Brian Dickman with attachments (Public)
CalCCA-01-C	CalCCA	Testimony of Brian Dickman with attachments (Confidential)

The following documents are admitted into the evidentiary record:  
PG&E-01, PG&E-02, PG&E-02-R, PG&E-03, PG&E-04, PG&E-05, PAO-01, PAO-02, and CalCCA-01.

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<sup>2</sup> PAO refers to Cal Advocates.

### **3. Motion To Seal the Evidentiary Record**

On December 15, 2025, PG&E filed a Motion to Seal the Evidentiary Record concurrently with the Joint Motion to Enter Evidence into the Evidentiary Record.

#### **3.1. Legal Standard for Confidential Treatment**

The California Constitution broadly articulated the public's right of access in public agencies' conduct of the people's business.<sup>3</sup> " A statute, court rule, or other authority. . . that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest."<sup>4</sup> Furthering the goal of transparency, the California Legislature promulgated the California Public Records Act<sup>5</sup> obligating public agencies to make their records available to the public with limited exceptions.<sup>6</sup>

While the Commission has recognized that confidential treatment is sometimes necessary to enable the Commission to conduct its business, several Commission decisions highlight the benefits of transparency in the Commission's decision-making process.<sup>7</sup> General Order (GO) 66-D requires anyone requesting confidential treatment to demonstrate with granular specificity on the facts of the particular information why the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

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<sup>3</sup> Cal. Constitution, Article 1, section 3(b)(1).

<sup>4</sup> *Id.* (See, e.g., *Sonoma County Employee's Retirement Assn. v. Superior Court* (SCERA) (2011) 198 Cal.App.4th 986, 991-992.)

<sup>5</sup> Cal. Gov. Code sections 7920 et. seq.

<sup>6</sup> Cal. Gov. Code sections 7922.635 and 7922.640.

<sup>7</sup> See D.20.08.031, p.1.

PG&E cites Public Utilities (Pub. Util.) Code Section 454.5(g) and Decisions (D.) 06-06-066, D.08-04-023, D.14-10-033 attachment A, and D.22-03-034, Appendix A (as modified by in D.23-06-029, Appendix A) to support its motion. PG&E asserts that portions of the exhibits marked as confidential contain market sensitive information, including bidding strategies, sensitive cost information, energy dispatch information, procurement strategies, capacity information and other sensitive energy procurement information. Some of the contract administration information is subject to third-party non-disclosure/confidentiality agreements. For documents related to Diablo Canyon Nuclear Powerplant, PG&E asserts that the information it seeks to protect is proprietary and trade secret information, as well as sensitive nuclear technology that cannot be shared with certain foreign national without federal approval.

With respect to the request to seal the documents marked confidential by Cal Advocates and CalCCA, PG&E explains that the information contained in Cal Advocates' documents are subject to a non-disclosure/confidentiality agreement between Cal Advocates and PG&E based on the same market sensitive and security concerns that apply to the confidential information submitted to the Commission by PG&E. The motion cites to Pub. Util. Code Section 454.5(g), which protects market sensitive information, to support the confidentiality of Brian Dickman's prepared confidential information on behalf of CalCCA.

I find that the parties have shown good cause for granting confidential treatment to the information and data identified. Confidential treatment is granted for a period of three years from the date of this ruling. The confidentiality period may be extended by filing a motion showing good cause 30 days prior to the expiration of this ruling. Confidential treatment is granted to

the following documents PG&E-01-C, PG&E-01-C-A, PG&E-03-C, PG&E-04-C, PG&E-04-C-A, PG&E-06-C, POA-01-C, POA-02-C and CalCCA-01-C.

**IT IS RULED** that:

1. The following documents are marked, identified, and entered into the evidentiary record in this proceeding: PG&E-01, PG&E-01-C, PG&E-01-C-A PG&E-02, PG&E-02-R, PG&E-03, PG&E-04, PG&E-04-C, PG&E-04-C-A, PG&E-05, PG&E-06-C, PAO-01, POA-01-C, POA-02, PAO-02-C, CalCCA-01 and CalCCA-01-C.
2. Confidential treatment is granted to the following exhibits for a period of three years from the date of this ruling: PG&E-01-C, PG&E-01-C-A, PG&E-03-C, PG&E-04-C, PG&E-04-C-A, PG&E-06-C, POA-01-C, POA-02-C and CalCCA-01-C.
3. Confidential treatment granted in this ruling is for a period of three years from the date of this ruling. During this three-year period, information subject to confidential treatment shall not be publicly disclosed except on further Commission order or ALJ ruling. If any party believes that it is necessary for this information to remain under seal for longer than three years, it may file a new motion showing good cause for extending confidential treatment by no later than 30 days before the expiration of this ruling.

Dated December 23, 2025, at San Francisco, California.

/s/ LEAH S. GOLDBERG

Leah S. Goldberg  
Administrative Law Judge