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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Adoption of Electric Revenue Requirements and Rates Associated with its 2027 Energy Resource Recovery Account (ERRA) and Generation Non-Bypassable Charges Forecast and Greenhouse Gas Forecast Revenue Return and Reconciliation

Application 26-05-007
(Filed May 15, 2026)

PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E) RESPONSE TO PUBLIC ADVOCATES OFFICE'S MOTION TO COMPEL

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Dated: July 31, 2026

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I. INTRODUCTION

On July 27, 2026, the Public Advocates Office of the California Public Utilities Commission ("Cal Advocates") filed a motion to compel Pacific Gas and Electric Company ("PG&E") to provide information about PG&E's data center load forecast submitted as part of PG&E's *Application for Adoption of Electric Revenue Requirements and Rates Associated with its 2027 Energy Resource Recovery Account ("ERRA") and Generation Non-Bypassable Charges Forecast and Greenhouse Gas ("GHG") Forecast Revenue Return and Reconciliation*, in Commission docket 26-05-007 (hereinafter "Application"). Pursuant to Rule 11.3 of the Commission's Rules of Practice and Procedure and the ALJ's email ruling, issued July 29, 2026, PG&E responds to that motion. PG&E's response is timely.

The Assigned Commissioner should reject Cal Advocates' argument that it may compel this information pursuant to Public Utilities Code § 314.[1/] The only Court of Appeal to reach this issue has held that Cal Advocates' rights are not coextensive with the Commission's right to information from a regulated utility.

1/ All statutory references are to the Public Utilities Code, unless otherwise specified.

Under § 309.5—the appropriate statutory basis for Cal Advocates' assertion of a right to information, which Cal Advocates notably does not invoke in its motion—Cal Advocates has the burden of demonstrating relevance. It has not made that showing, but, even if it could demonstrate relevance, the Assigned Commissioner would still have to balance a party's right to information with the Commission's stated goal of protecting confidential customer information from disclosure under long-standing application of the principles in the 15-15 rule and the Rule 27 framework. PG&E will, of course, comply with any order from the Commission to share information, but only seeks to ensure that such disclosure occurs through the appropriate process and with appropriate consideration of the relevant considerations and protections.

II. BACKGROUND

A. PG&E'S NDAs with data centers prohibit the disclosure of confidential information except in limited circumstances.

PG&E has entered standard-term non-disclosure agreements ("NDAs") with PG&E's large load customers to protect those customers' privacy rights, proprietary information, and confidential information. PG&E's NDAs define confidential information broadly as including, among other things, "all technical, financial and business information of any kind," which includes information about a customer's demand. See Mot. Appendix-02 ("NDA") ¶ 2. PG&E's large load NDAs require PG&E to keep "confidential information" confidential and proprietary. NDA ¶ 3.

The NDAs do, however, contemplate specific scenarios where confidential information may be disclosed. The NDAs recognize that PG&E will disclose confidential information if "required to be disclosed by law, rule, regulation, court of competent jurisdiction or governmental order," so long as PG&E first advises its counterparty and gives the counterparty "a reasonable opportunity to contest" the disclosure. NDA ¶ 4. The NDAs explicitly recognize that disclosures to PG&E's "regulators" (including the Commission and the Federal Energy Regulatory Commission) may be necessary, given the "regulators…broad rights to request information from PG&E." Id.

PG&E's NDA provisions are consistent with PG&E's Rule 27, which conformed PG&E's policies governing customer energy usage data to the "Rules Regarding Privacy and Security Protections for Energy Usage Data adopted by the California Public Utilities Commission as Attachment D to Decision (D.) 11-07-056."[2/] Under PG&E's Rule 27, PG&E is restricted from disclosing certain covered information absent specified exceptions, including an order of the Commission or customer consent.[3/]

B. PG&E provided data center load forecast to the Administrative Law Judge in the 2026 ERRA Forecast proceeding.

Data center demand is a topic of significant interest in California; given the novelty of the issue and the uncertainty, data center load growth as it is creating modeling uncertainty in state-led forecasts (e.g., the California Energy Commission's IEPR) and utility-specific modeling. As the Commission is likely aware, data center demand was the subject of an ALJ order in the 2026 ERRA Forecast proceeding. PG&E's data center demand is ultimately rolled up into its retail sales forecast, the reasonableness of which is generally the subject of each PG&E ERRA Forecast proceeding.[4/]

In the 2026 ERRA Forecast Proceeding, for the purpose of the load forecasts submitted in its testimony and supporting workpapers, PG&E provided support for its load forecast adherent to the "15/15 Rule." This framework was initially adopted in Decision 97-10-031 in the context of direct access and has been used by PG&E to protect the privacy and security of customer data. Under that framework, customer data released by the utility must be made up of at least 15 customers and a single customer's load must be less than 15 percent of an assigned category. Consistent with that framework, PG&E provided aggregated monthly data center demand in its May filing, as no single data center comprised more than 15 percent of load.

2/ PG&E Electric Rule 27, available at https://www.pge.com/tariffs/assets/pdf/tariffbook/ELEC_RULES_27.pdf (last visited July 28, 2026).

3/ See PG&E Electric Rule 27, §4 (c). Following Cal Advocates' motion, PG&E has reached out to its NDA counterparties to inform them that the motion to compel has been submitted, as required by the NDA. PG&E has also sought consent for disclosure of this information to avoid.

4/ There is not yet a scoping memo in this 2027 ERRA Forecast Proceeding.

On September 9, 2025, the Administrative Law Judge overseeing that proceeding sua sponte issued a ruling directing PG&E to respond to several questions (and provide additional data) regarding PG&E's data center load forecast. PG&E responded to that order by serving the ALJ the information requested—as a confidential version. PG&E provided the service list with a public version but did not, however, provide the confidential version to the parties. Subsequently, the Administrative Law Judge issued a Ruling on October 6, 2025, requiring additional information concerning data centers be filed into the proceeding docket. In PG&E's pleadings supporting that filing, PG&E clarified that it would seek to protect the personally identifiable information of PG&E customers, stating "PG&E will make confidential copies of its confidential spreadsheet response to parties in this proceeding with Non-Disclosure Agreements ("NDAs") in place, with appropriate redactions to remove any personally identifiable information of PG&E customers."[5/]

In the 2025 Fall Update, with fewer projects in the Forecast, one data center was projected to be more than 15 percent of load. PG&E accordingly did not provide disaggregated load information in the Fall Update. No party requested this information.

C. Procedural History

In this year's ERRA Forecast Application, PG&E provided parties with retail sales forecast information, including confidential retail sales forecast information with appropriate confidentiality declarations for load forecast information consistent with D. 06-06-066, which governs the confidentiality of certain load forecast information.[6/] PG&E provided this information with break-outs for significant impacts on load including distributed generation, electric vehicles, and building electrification. PG&E did not, however, provide information when doing so would reveal confidential customer information. PG&E did not specifically break out large data center load because one data center was forecast to account for more than 15

5/ A.25-05-011, PG&E A.25-05-011_PGE Response - Public Version_10.15.2025.pdf, p. 2 See also Reply to Responses/Protests (00178449).DOCX, p.2.

6/ D. 06-06-066, Attachment A, Section V.

percent of the load. As PG&E explained in testimony and reiterated in its objection to Cal Advocates' data request, PG&E applies that general (and long-established) concept to this context to avoid the inadvertent disclosure of information that is "confidential information" under PG&E's NDAs with large load data center customers.

Cal Advocates sent a data request to PG&E asking for, among other things, the information on data center load that PG&E had withheld because it could reveal confidential customer information. On June 17, 2026, PG&E responded that it would object to providing the information requested because, "[a]s stated in testimony, doing so would reveal confidential customer information." PG&E's data request response was conveyed via a cover email which specified that, if Cal Advocates had any questions, it should reach out to PG&E's case manager, and provided her name and email address.

Eight days later, on June 25, 2026, at 1:26 pm, Cal Advocates' attorney responded to the email and demanded that PG&E justify its confidential information by close of business the same day. Cal Advocates did not, however, copy or reach out to the identified case manager, as the cover email conveying the data request responses indicated was appropriate. Accordingly, the email was not routed to the appropriate internal people within PG&E, and counsel remained unaware of Cal Advocates' email until Monday, June 29, 2026, when Cal Advocates followed up with PG&E, this time copying PG&E's attorney, and requested a meet and confer. PG&E's attorney responded immediately, and confirmed that, due to the misdirected email, PG&E was not aware of the request. PG&E also indicated that a meet and confer would be appropriate.

The parties met and conferred on July 8, 2026, at which point PG&E's attorney conveyed the background about last year's ERRA Forecast proceeding as well as PG&E's position that, because the information was confidential customer information protected by PG&E's NDA with its customers, Cal Advocates would need an order to receive the information.[7/] Cal Advocates

7/ Cal Advocates' characterization that PG&E's attorneys "did not come to the meet and confer prepared" is incorrect. Mot. at 3; accord id. at 4. PG&E also disputes Cal Advocates' accusation that PG&E's legal position is "frivolous." Mot. at 8, 11; see also Mot. at 6 (characterizing PG&E's

invoked § 314, and when PG&E's attorney suggested that that statute was inapposite, given Cal Advocates' discovery rights are governed by § 309.5, Cal Advocates asserted it might need to file a motion to compel, to which PG&E's attorney expressed her understanding.

On July 16, the Administrative Law Judge assigned to the 2027 ERRA Forecast proceeding held a pre-hearing conference. At that pre-hearing conference, Cal Advocates expressed frustration that PG&E had not turned over the requested information and initially attempted to move orally for a motion to compel, asserting the immediate need for the information on data center demand. The Administrative Law Judge informed Cal Advocates that a motion in writing would produce a more thoughtful and reasoned response, and encouraged Cal Advocates to file a written motion. Eleven days later, Cal Advocates filed the instant motion to compel, asserting that PG&E's "unwillingness to produce requested information has unduly delayed" Cal Advocates' review of the Application. Mot. at 11. Despite Cal Advocates' own (repeated) delay in filing a motion to compel (despite being informed by PG&E attorneys on July 8 that such a motion was likely necessary, given the dispute about the scope of Cal Advocates' rights), Cal Advocates demanded "a ruling requiring PG&E to respond to this motion within 4 calendar days." Id.

Since receiving Cal Advocates' motion, PG&E has attempted to resolve this dispute in multiple ways. First, PG&E notified its NDA counterparties (as it is required to do) and informed them of their ability to intervene in the proceeding and respond to the motion. PG&E also sought their consent to disclose the information (which PG&E is not required to do). PG&E has not yet heard back from those counterparties.

Second, around noon on July 29, 2026, PG&E reached out to Cal Advocates and offered, in light of Cal Advocates' unique statutory role, to share an early, to provide a draft version of PG&E's Fall Update data center load forecast. To be clear, this updated information is *better* than the information Cal Advocates seeks to compel, in that it is the updated data that PG&E will

position as "preposterous"). That Cal Advocates *disagrees* with PG&E's legal position is not a basis to allege either that PG&E was unprepared or that its position is frivolous.

actually seek to rely on (and the Commission will ultimately rule on) in testing the reasonableness of PG&E's load forecast (one of the issues in this proceeding). PG&E's offer provides Cal Advocates more time to assess PG&E's methodological changes, outlined in PG&E's supplemental testimony, as well as to assess the reasonableness of the forecast. PG&E has made this offer because it has confirmed that, due to the underlying data set, this updated data did not implicate the same confidentiality concerns, and because PG&E seeks to resolve this issue without the further need for litigation. Despite Cal Advocates' asserted urgent need for the requested information, Cal Advocates has rejected PG&E's offer and maintains that it instead prefers to wait for a ruling.

III. CAL ADVOCATES IS NOT ENTITLED TO THE INFORMATION REQUESTED ABSENT AN ORDER OF THE COMMISSION.

Cal Advocates' motion rests on the premise that its right to information from a regulated utility are coextensive with the Commission's rights under § 314. That premise, however, is in tension with the statutory provision establishing Cal Advocates and governing its discovery rights. In fact, Cal Advocates' argument has recently been squarely rejected by the only Court of Appeal to consider the issue.

To elaborate, Cal Advocates argues that PG&E cannot enter into a contract that conflicts with its statutory obligations to provide information to the Commission under Public Utilities Code § 314. PG&E agrees that it may not deny an order from the Commission for certain information. As Cal Advocates itself acknowledges, Mot. at 10, PG&E's NDAs recognize that information may be needed to be provided to PG&E's "regulators."

But Cal Advocates is mistaken when it insists that Public Utilities Code § 314 confers on Cal Advocates, a party to this proceeding, the same broad rights provided to the Commission itself. Mot. p. 4, id. at p. 9 ("Cal Advocates' rights to obtain these records are codified in Pub [sic] Util. Code §314 [sic]."); id. at 10 ("PG&E must be ordered to produce the requested information based on its regulatory obligation.") By Cal Advocates' logic, its data requests have the exact same status as an order (or other demand) from the Commission itself.

Such a sweeping interpretation of § 314 would render 309.5(e)—which gives Cal Advocates discovery rights, including the right to "compel the production or disclosure of any information it deems necessary"—superfluous. After all, adjudication of such disputes by the Assigned Commissioner or President of the Commission, also provided for in 309.5(e), would be unnecessary if Cal Advocates was automatically entitled to any information it demanded from a regulated utility.

Indeed, the only Court of Appeal to address this issue squarely rejected the argument that Cal Advocates' right to information from a regulated utility is coextensive with the Commission's rights. As the Court explained in that recent case, "[t]he Commission argues that the PAO's discovery rights are 'essentially coextensive' with the Commission's own rights. We disagree…The PAO's and Commission's discovery rights would be coextensive only if their duties were the same, which of course they are not." See *Southern California Gas Co. v. CPUC* (2023), 87 Cal.App.5th 324, 345 (Supreme Court review denied April 19, 2023).

Thus, Cal Advocates' argument that the NDA cannot preempt statutory obligations is beside the point—PG&E's NDAs do not preempt § 314, of course, but that statute only applies to the Commission and its staff, not to Cal Advocates. Cal Advocates may seek discovery under 309.5(e), but its request is not an order of the Commission required to be disclosed by law. A data request from a party to this proceeding is just that: a request. Only an order of the Commission—not the mere request of Cal Advocates—turns a data request from (as the name implies) a "request" into an "order" with regulatory force, as required by PG&E's NDA.[8/]

For the same reasons, Cal Advocates' argument about GO 66-D (which governs submission of information to the Commission) is likewise inapposite.[9/] In Cal Advocates' view,

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8/ PG&E notes that, under § 309.5(e), the statute requires that objections to an attempt to compel by Cal Advocates "shall be decided in writing by the assigned commissioner[.]"

9/ PG&E understands Cal Advocates to maintain that PG&E cannot withhold confidential information from itself—not that Cal Advocates is attempting to assert that PG&E could not withhold confidential customer information from any other party. See Mot. at 7 ("In order for the Commission to retain regulatory jurisdiction over customer information, it must *receive* or have that information. PG&E

the only basis for objection to disclosing confidential information is privilege. Cal Advocates appears to contend that PG&E had an obligation to provide the requested information, subject to a confidentiality declaration and matrix.

IV. CAL ADVOCATES HAS NOT MET ITS BURDEN OF ESTABLISHING RELEVANCE.

To be clear, § 314 does not necessarily resolve the issue (although it may resolve *this* motion, since Cal Advocates' motion asserts no other basis for obtaining the information). An order from the Assigned Commissioner under Public Utilities Code § 309.5(e) requiring PG&E to provide the requested information would constitute an "order" within the meaning of the NDAs, and PG&E would comply with that order.

To be entitled to information under § 309.5, however, Cal Advocates must demonstrate that the information it seeks is "relevant" to that proceeding. Information that is not "of consequence to the determination of the action" is not "relevant evidence." See Cal. Evid. Code § 210 (defining relevant evidence as "[e]vidence…having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action."). Non-relevant information is not required to be produced, regardless of whether the requesting party is Cal Advocates or another party.

Cal Advocates' motion makes several conclusory assertions about its need for PG&E's data center forecast, but it is not clear why this information (rather than the aggregated information Cal Advocates has) is actually relevant. The load forecast that is the subject of the ERRA Forecast proceeding is the forecast as a whole, and not for any specific customer's consumption. There is no specific data center rate schedule, and Cal Advocates has not explained why the aggregated information on industrial consumption is insufficient for its

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prematurely applies Rule 15/15 to the Commission's receipt of information…"). To the extent Cal Advocates is arguing that PG&E may not withhold confidential information from *any* party, given the discovery rules, PG&E respectfully disagrees. It is plain that a regulated utility may object to discovery on the basis of customer privacy if a party in a proceeding (including a complainant in an adjudicatory proceeding) demanded confidential customer information—such as customer emails, addresses, and phone numbers.

purposes. As Cal Advocates does not meaningfully attempt to meet its burden of establishing the information it seeks is relevant to the proceeding (presumably because its motion rests entirely on its argument under § 314), its motion should be rejected.

But even if Cal Advocates' gesturing toward its purported need for this information were sufficient to sustain its burden of establishing relevance (it is not), that argument is no longer viable in light of PG&E's offer to provide Cal Advocates with the data it seeks, updated with the latest information. This updated table 2-3 (with line 7 unredacted) renders the May filing information Cal Advocates seeks (specifically, table 2-3, line 7) irrelevant to this proceeding. Line 7 in table 2-3 that Cal Advocates seeks to compel will not be relied on by PG&E or any other party in proving the ultimate issue in this case. PG&E annually updates the load forecast after the May filing to be based on the best available information as of the Fall Update.

It is not clear what Cal Advocates hopes to achieve by continuing to litigate for the stale data center forecast it seeks from PG&E's May Application, rather than accept PG&E's offer. Given the stale data from the May filing is of no consequence in determining the action here—as it is PG&E's *Fall Update* that will be the basis for PG&E's load forecast, and PG&E has offered to share that updated information—Cal Advocates cannot sustain its burden, as the movant, of demonstrating the information it seeks is relevant. The Assigned Commissioner may reject the motion on this basis alone.

V. EVEN IF THE INFORMATION CAL ADVOCATES SEEKS IS RELEVANT UNDER 309.5, ITS PROPOSED ORDER IS INAPPROPRIATE.

To be clear, Cal Advocates' motion is based *entirely* on its view that Section 314 controls here. It does not, and the motion may be denied on that basis. But even assuming that Cal Advocates were seeking information under § 309.5, and that information were "relevant evidence" under the Commission's rules (as informed by the Evidence Code), PG&E objects to Cal Advocates' proposed order.

First, and as noted above, Cal Advocates may only move to compel information under § 309.5(e). Any objections must be decided in writing by the "Assigned Commissioner." Thus, an order signed by the Administrative Law Judge is contrary to the statutory requirement that PG&E's objection be decided by an Assigned Commissioner.

Moreover, a perfunctory order directing PG&E to turn over information is inadequate, given the broader principles involved. Cal Advocates' motion—and how the Assigned Commissioner resolves it—raise significant questions about how the Rule 27 protections operate in conjunction with the (now multiple) contexts in which parties (including, but not limited to, Cal Advocates) request this information pursuant to discovery. A broad ruling that parties are entitled to this information may erode the protections Rule 27 (and the 15-15 rule) were meant to protect. As explained above, PG&E is barred by Rule 27 from releasing confidential customer information absent a Commission order or customer consent. As PG&E has explained, it has solicited (but not obtained) customer consent to release the requested information. And it does not yet have a Commission order. PG&E requests that any order to compel disclosure from the Assigned Commissioner: (1) specify the basis for the ruling (i.e., § 309.5); (2) explain how the order is consistent with Rule 27 and the 15-15 principle; and (3) clarify whether the Ruling entitles other parties to the same information, and on what legal basis.

VI. PG&E'S OBJECTION WAS TIMELY.

Cal Advocates also asserts that PG&E's objection to its data request was untimely, as it allegedly first came on July 8, 2026.[10/] This is false. As evidenced by Cal Advocates' own Appendix-01, p. 2, on June 17, 2026, PG&E clearly and plainly objected to Cal Advocates' data request on June 17, 2026. PG&E's response to the data request stated: "PG&E objects to providing its data center forecast. As stated in testimony, doing so would reveal confidential customer information." As the Commission's general discovery practice document states, "objections are not waived if not made until the date when the responses themselves are due." PG&E noted its objection in submitting the response, and its objection is therefore not waived.

Cal Advocates appears to conflate the objection itself—which was reasonably specific

10/ Mot. at 10.

and remains the basis for PG&E's objection—with PG&E's more detailed explanation regarding the NDA. PG&E appreciates that Cal Advocates would have preferred PG&E specifically reference the NDA in responding to the data request, and will endeavor to be more specific in the future. But Cal Advocates cites no authority for the proposition that such detailed information is necessary to preserve an objection. It is not. PG&E's objection was timely and there is no basis for Cal Advocates' position that it is waived.

VII. CAL ADVOCATES' UNTIMELY FILING AND REJECTION OF PG&E'S OFFER UNDERMINES ITS CLAIMS OF URGENCY.

Cal Advocates asserts, on the last page of its motion, that it requests an expedited response from PG&E. Mot. at 11. Cal Advocates' request—to shorten the time for a response—is a separate request for relief and, in failing to file that separate request as a separate document, violates Rule 1.7. Cal Advocates' request for expedition may be stricken for noncompliance with Rule 1.7.

But even if it is not stricken, Cal Advocates' request is unjustified and inequitable. Cal Advocates also does not carry its burden of explaining why it needs such an expedited response. The fact that it has delayed filing its motion to compel for *weeks* suggests that the matter is not as urgent as Cal Advocates insists. So does the fact that Cal Advocates has declined to accept to PG&E's offer to resolve the dispute, notwithstanding the fact that PG&E's offer would have put Cal Advocates into a *better* position than if it receives an order compelling PG&E to produce stale information.

Further, PG&E's NDA counterparties may be prejudiced by an expeditious response time and ruling. As PG&E has noted, it is contractually obligated to notify its customers of the potential for the confidential release of their information, and has done so in this context. PG&E's notice informs customers of their right to move to intervene in this proceeding and seek to protect the information. Several notified customers have responded to PG&E's notice to request additional information and are, apparently, considering how to respond. Thus, Cal Advocates' position, articulated by email on July 30, 2026, that these entities are not parties is missing the point: PG&E believes that they should be afforded the ability to *become* parties, if they so choose (akin to how third-party beneficiaries are entitled to intervene in civil cases to protect their rights, even when they are not yet parties to a proceeding). Expediting this motion or a decision on it prejudices them (incurably, since the information, once released, is no longer confidential).

VIII. CONCLUSION

For the foregoing reasons, PG&E respectfully requests that the Assigned Commissioner: reject Cal Advocates' argument that PG&E's objection was waived and reject Cal Advocates' argument that it is entitled to information under § 314.

PG&E also requests that any order requiring PG&E to turn over confidential customer information be issued, if at all, by the Assigned Commissioner under § 309.5, and that any such order clarify and explain whether all parties in this proceeding should have the same level of access to confidential customer information, or whether § 309.5(e) gives Cal Advocates special rights to information beyond what other parties are entitled to.

Respectfully Submitted,
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