

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



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Order Instituting Rulemaking to Continue
Implementation and Administration, and
Consider Further Development, of
California Renewables Portfolio Standard
Program.

Rulemaking 24-01-017

**MOTION TO FILE UNDER SEAL CONFIDENTIAL VERSION OF
FINAL COMPLIANCE PERIOD 4 (2021-2024) RPS COMPLIANCE REPORT OF
3 PHASES RENEWABLES INC.**

Gregory S. G. Klatt
DOUGLASS, LIDDELL & KLATT
411 E. Huntington Drive
Suite 107-356
Arcadia, CA 91006
Telephone: (626) 802-5733
Email: klatt@energyattorney.com

Attorney for 3 Phases Renewables Inc.

August 28, 2026

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

Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program.

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FINAL COMPLIANCE PERIOD 4 (2021-2024) RPS COMPLIANCE REPORT OF
3 PHASES RENEWABLES INC.**

Pursuant to Rule 11.4 of the Commission's Rules of Practice and Procedure, and in accordance with Decision (D.) 06-06-066 and D.08-04-023, 3 Phases Renewables Inc. (3PR) hereby moves for leave to file under seal the confidential version of its Final Compliance Period 4 (2021-2024) Renewables Portfolio Standard Compliance Report (RPS Report).

In D.06-06-066, the Commission adopted rules governing the confidentiality of certain categories of electric procurement data that are routinely submitted to the Commission by electric service providers (ESPs). In the same decision, the Commission adopted a matrix for ESP data (ESP Matrix) specifying the confidential treatment to be afforded to the data specified therein. In D.08-04-023, the Commission clarified the categories of ESP data that are eligible for confidential treatment under

D.06-06-066 and made corresponding modifications to the ESP Matrix.¹ In D.21-11-029, the Commission further clarified and modified the confidentiality rules for RPS procurement records and made corresponding changes to the ESP Matrix.

D.08-04-023 provides that where “[a] party files a pleading in a formal proceeding, including data of the type addressed in the Matrices to D.06-06-066, and seeks confidential treatment of that data,” the party is required to file a motion that complies with the requirements of Rule 11.4 and meets the five required showings specified in D.06-06-066, Ordering Paragraph 2, which are:

1. The material constitutes a particular type of data listed in the Matrix.
2. The category or categories in the Matrix to which the data correspond.
3. The submitting party is complying with the limitations on confidentiality specified in the Matrix for that type of data.
4. The information is not already public.
5. The data cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure.

On August 24, 2026, 3PR served the public version of its RPS Report. On August 28, 2026, 3PR filed the public and confidential versions of its RPS Report in Rulemaking (R.) 24-01-017. To the extent data in 3PR’s RPS Report is covered by one or more of the ESP matrix data categories, the data is eligible for the corresponding confidential treatment specified in the ESP Matrix.² In addition, the Commission has previously

¹ See D.08-04-023 at 11-19 and Appendix B.

² D.06-06-066 at 23 and Conclusion of Law 6.

determined that data that does not fall within a matrix data category but which “consists of information from which (Matrix) information may be easily derived” is eligible for the corresponding confidential treatment specified in the matrix.³

Certain data contained in the RPS Report, as specified in the table below, is eligible for confidential treatment under the provisions of D.06-06-066 and the ESP Matrix, as modified by D.08-04-023 and D.21-11-029, and the Commission is obligated to protect the confidentiality of that data so as to avoid material harm to 3PR and its customers. Specifically, 3PR seeks confidential treatment for its current year’s retail sales (2026), the first two years of its forecasted retail sales (2027 and 2028), data from which 3PR’s retail sales could be easily derived (e.g., Procurement Quantity Requirements and RPS procurement rate impacts for the years in question), and aggregated data for the compliance period in which those years fall (i.e., Compliance Period 5) from which the aforesaid data could be easily derived. 3PR is seeking confidential treatment for this data because: (1) disclosure of the data, in combination with RPS procurement data that is available to the public (i.e., procurement data in 3PR’s RPS procurement reports and RPS compliance reports that is not eligible for confidential treatment), would reveal 3PR’s residual RPS procurement needs for the corresponding period (i.e., 3PR’s residual net short RPS procurement requirements); and (2) the Commission has determined that data that would reveal an ESP’s residual net short RPS procurement requirements is eligible for confidential treatment.⁴

³ Rulemaking (R.) 06-05-027, *Administrative Law Judge’s Ruling on San Diego Gas & Electric Company’s April 3, 2007 Motion to File Data Under Seal*, May 4, 2007, at 2.

⁴ See D.08-04-023 at 17 and ESP Matrix Sections I.A and I.B.

In accordance with the aforesaid requirements, 3PR affirms that the data specified in the table below is either expressly protected under the ESP Matrix or is data from which protected data could be easily derived. (The cell numbers listed in the table refer to the cells in the native format (Excel) versions of the applicable reporting templates.)

TABLE OF CONFIDENTIAL DATA

Description of Data	RPS Compliance Report Location	D.06-06-066 Requirements	Explanation
Retail Sales (MWh)	<i>CP 5 Summary:</i> Cells E10–G10	Demonstrate that submitted material constitutes type of data listed in the Matrix.	3PR's net short is derived from its retail sales minus procured RPS supplies.
	<i>Unique Inputs:</i> Cells K10–M10		
	<i>Accounting:</i> Cells H15–I15	Matrix category	I.B
		Affirm compliance with limitations on confidentiality specified in the Matrix.	3PR's current-year retail sales, and the first two years of its forecasted retail sales, may be kept confidential so as not to reveal its net short position.
		State whether data can be protected in a way that would allow partial disclosure.	3PR's data cannot be made public without serious risk of harm unless it is aggregated with the data of all ESPs.

Description of Data	RPS Compliance Report Location	D.06-06-066 Requirements	Explanation
RPS Procurement Requirements:		Demonstrate that submitted material constitutes type of data listed in the Matrix.	Since 3PR's RPS targets, PQRs, PBRs and LTPRs are derived from its retail sales using published formulas, disclosure of such data (MWh) would reveal its retail sales.
Annual RPS Targets (MWh)	<i>CP 5 Summary:</i> Cells E11–F11		
Compliance Period Procurement Requirement (MWh)	<i>CP 5 Summary:</i> Cell G11		
Procurement Quantity Requirement (MWh)	<i>Accounting:</i> Cells G23–I23		
Portfolio Balancing Requirements (MWh)	<i>Accounting:</i> Rows 64–69, Cells G-I	Matrix category	I.B
Long-Term RECs/Contracting Requirement (MWh)	<i>Accounting:</i> Cells G45–I45 <i>Procurement Details:</i> Cells F17–H17	Affirm compliance with limitations on confidentiality specified in the Matrix.	Information that would reveal 3PR's current-year retail sales or the first two years of its forecasted retail sales may be kept confidential so as not to reveal its net short position.
		State whether data can be protected in a way that would allow partial disclosure.	3PR's data cannot be made public without serious risk of harm unless it is aggregated with the data of all ESPs.

Description of Data	RPS Compliance Report Location	D.06-06-066 Requirements	Explanation
RPS-Eligible Procurement/Supply Data:		Demonstrate that submitted material constitutes type of data listed in the Matrix.	Disclosure of 3PR's RPS procurement data (MWh or %, as applicable) would reveal its PQR data (MWh), which in turn would reveal 3PR's retail sales.
Total RPS Eligible RECs Procured (%)	<i>CP 5 Summary:</i> Cell H12		
Total RPS Eligible RECs Retired (%)	<i>CP 5 Summary:</i> Cell H13		
Annual RPS Procurement Percentages	<i>Accounting:</i> Cells H18–I18		
Annual RPS Retirement Percentages	<i>Accounting:</i> Cells H32–I32	Matrix category	I.B and I.C
Short-Term REC Limits (MWh)	<i>Accounting:</i> Cells G51–I51	Affirm compliance with limitations on confidentiality specified in the Matrix.	3PR's current-year retail sales and the first two years of its forecasted retail sales may be kept confidential so as not to reveal its net short position.
Excess/(Shortfall) RECs from Long-Term Contracts	<i>Accounting:</i> Cells G46–I46		
Excess RECs Eligible for Banking (MWh)	<i>Unique Inputs:</i> Rows 22–26, 31–40, and 47–48; Cells G-I <i>Accounting:</i> Rows 74–78 and 83–91; Cells G-I		
Long-Term Contracting Requirement Shortfall	<i>Procurement Details:</i> Cells F20–H20	State whether data can be protected in a way that would allow partial disclosure.	3PR's data cannot be made public without serious risk of harm unless it is aggregated with the data of all ESPs.
Add'l RECs Required to Meet RPS PQRs (MWh)	<i>Accounting:</i> Cells G96–I96		
RPS-Eligible Procurement/Supply Data, continued:			

Description of Data	RPS Compliance Report Location	D.06-06-066 Requirements	Explanation
Total RECs Not in Compliance with RPS PBRs (MWh)	<i>Accounting:</i> Cells G97–I97		
Total Penalty (PQR/PBR) (\$)	<i>Accounting:</i> Cells G102–I102		

The data which 3PR requests the Commission keep confidential is substantially the same as data set forth in 3PR's Final 2022 RPS Procurement Plan which the Commission has determined should receive confidential treatment (i.e., retail sales and procurement data for compliance years that fall within the applicable confidentiality "window" and aggregated compliance period data from which the protected data could be easily derived).

3PR affirms that the data for which it is seeking confidential treatment is not already public. 3PR affirms that the data which is redacted in its RPS Report can only be made public without the risk of harm to 3PR and its customers if the data is first aggregated with the corresponding data of all ESPs.

Respectfully submitted,

-----/s/-----

Gregory S. G. Klatt
DOUGLASS, LIDDELL & KLATT

Attorney for 3 Phases Renewables Inc.

August 28, 2026

VERIFICATION

I, Gregory Klatt, am authorized to make this verification on behalf of 3 Phases Renewables Inc. I declare under penalty of perjury that the contents of the foregoing ***Motion to File Under Seal Confidential Version of Final Compliance Period 4 (2021-2024) Renewables Portfolio Standard Compliance Report of 3 Phases Renewables Inc.*** are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true.

Executed on August 28, 2026, at Arcadia, California.

-----/s/-----

Gregory S. G. Klatt
DOUGLASS, LIDDELL & KLATT

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

Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program.

Rulemaking 24-01-017

[PROPOSED] PROTECTIVE ORDER

On August 28, 2026, 3 Phases Renewables Inc. (3PR) filed a motion for leave to file the confidential version of its Final Compliance Period 4 (2021-2024) Renewables Portfolio Standard Compliance Report (RPS Report) under seal.

The information for which 3PR requests confidential treatment is eligible for such treatment pursuant to Decision (D.) 06-06-066, D.08-04-023, D.21-11-029, and the Matrix of Allowed Confidential Treatment for Electric Service Provider Data (ESP Matrix) attached to D.21-11-029 as Appendix 2.

Good cause having been shown, 3PR's motion is granted.

The confidential version of 3PR's RPS Report shall not be made accessible or disclosed to anyone other than the Commission and Commission staff except pursuant to a protective order or upon further order of the Commission.

Dated _____, 2026, at San Francisco, California.

Administrative Law Judge