

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

Order Instituting Rulemaking to Review,  
Revise, and Consider Alternatives to the  
Power Charge Indifference Adjustment

Rulemaking 17-06-026  
(Filed June 29, 2017)

**REPLY OF CALIFORNIA COMMUNITY CHOICE ASSOCIATION TO  
RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E),  
SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) AND PACIFIC GAS  
AND ELECTRIC COMPANY (U 39-E) TO MOTION OF CALIFORNIA  
COMMUNITY CHOICE ASSOCIATION FOR LEAVE TO SUBMIT  
INFORMATION TO STAFF UNDER SEAL**

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February 19, 2019

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Pursuant to Rule 11.1(f) of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, California Community Choice Association (CalCCA)<sup>1</sup> submits this reply to the response filed by San Diego Gas & Electric Company, Southern California Edison Company and Pacific Gas and Electric Company (together, the “Joint Utilities”) to the motion filed by CalCCA requesting leave to submit under seal certain procurement information provided in response to a data request propounded by staff of the Commission’s Energy Division (“Motion”).

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<sup>1</sup> California Community Choice Association represents the interests of 16 community choice electricity providers in California: Apple Valley Choice Energy, Clean Power SF, Desert Community Energy, East Bay Community Energy, Lancaster Choice Energy, Clean Power Alliance, Marin Clean Energy, Monterey Bay Community Power, Peninsula Clean Energy, Pioneer Community Energy, Pico Rivera Innovative Municipal Energy, Redwood Coast Energy Authority, San Jose Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy.

Administrative Law Judge Roscow authorized the filing of this written reply via email on February 15, 2019.

The Motion requests that certain confidential and highly market-sensitive information submitted by its members (“CCAs”) pursuant to Ordering Paragraph (“OP”) 5 of Decision (“D.”) 18-10-019 (“PCIA Decision”) and *the Energy Division Data Request Regarding the Renewables Portfolio Standard Adder for the Power Charge Indifference Adjustment (PCIA) Calculation, Pursuant to Decision 18-10-019* (“Energy Division Data Request”), issued January 14, 2019, be submitted to the Commission Staff under seal.

CalCCA, on behalf of its members, has already sought, and been granted, leave to submit similar confidential and market-sensitive information under seal in response to other Energy Division Data Requests.<sup>2</sup> The same reasoning applies to the information discussed in the Motion, and CalCCA respectfully requests this information receive the same confidential treatment.

## **DISCUSSION**

### **A. Confidential Treatment for Similarly Confidential and Market-sensitive Information Has Already Been Granted**

On May 18, 2018 Administrative Law Judge Debbie Chiv granted CalCCA’s request that its members be permitted to submit market sensitive, confidential information to the Energy Division under seal (“May 18, 2018 Ruling”). Specifically, the information subject to the May 18, 2018 Ruling is information submitted in response to Data Requests concerning resource adequacy products, namely: (1) generic capacity

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<sup>2</sup> Administrative Law Judge’s Ruling Granting the California Community Choice Association’s Request to Submit Information Under Seal, May 18, 2018.

under contract (MW), (2) flexible capacity under contract (MW), (3) capacity price (\$kWh/month), (4) system or local capacity (MW), and (5) flexible capacity (MW) (“RA Data Requests”).

Recognizing the ambiguity in D.06-06-066 as it relates to information regarding CCAs,<sup>3</sup> the May 18, 2018 Ruling noted that the Commission may, at a later date address confidentiality concerns more broadly with respect to information submitted by such parties. Until then, the May 18, 2018 granted confidential treatment to the specified information, stating in relevant part:

“Until such time as a Commission decision or ruling supersedes this ruling, we agree that CCAs may submit the proposed categories of information under seal and that information shall be kept confidential for a period of three (3) years from the date of the Data Request.”<sup>4</sup>

**B. Information for which the Motion Requested Confidential Treatment is Confidential, Market-Sensitive, and Specifically Identified**

The Motion requested confidential treatment for information submitted in response to a Data Request from the Energy Division pursuant to Ordering Paragraph 5 of the PCIA Decision. The requested information is to be used to calculate a weighted average RPS contract price (\$/MWh) for RPS energy to establish the RPS Adder used to calculate the annual Power Charge Indifference Adjustment (“PCIA”).<sup>5</sup> CalCCA’s Motion requested that certain specific information covered by the Data Request, namely, contract prices for each CCA’s renewable energy transactions, be treated confidentially.

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<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> Ordering Paragraph 5 at p. 160. The PCIA Decision, *in dicta*, recognized the market-sensitive and confidential nature of the data to be submitted. D.18-10-019 at p. 79.

The Motion specifically identified the category of information included in the Data Request for which confidential treatment is requested. Disclosure of this highly market-sensitive pricing information would place the contracting CCA at a competitive disadvantage to other LSEs and market participants. Notably, this information is treated as confidential by the Commission when submitted by an Investor Owned Utility (“IOU”) under Pub. Util. Code Section 454.5(g) and D.06-06-066.

Consequently, CalCCA reiterates its request that the confidentiality protections applied to the IOUs and ESPs be extended to CCAs to the extent they submit data to Staff of the same nature as the data protected by the Commission under D.06-06-066, as modified. As provided in the May 18, 2018 Ruling with respect to resource adequacy information, confidential treatment with respect to RPS contract prices is requested for a period of three (3) years.

**C. Aggregated Filing by CCAs Has Already Been Accepted and is Administratively Efficient**

One consolidated filing made by CalCCA concerning confidential treatment of categories of information requested of all CCAs is an administratively convenient method to handle the CCAs’ confidentiality concerns with respect to this information. Thus, CalCCA specifically requested, on behalf of its members, that certain categories of information covered by the RA Data Requests be submitted under seal. Administrative Law Judge Chiv granted CalCCA’s request in the May 18, 2018 Ruling.

CalCCA has made an equivalent request in the Motion with respect to RPS data. Like the RA Data Requests this Data Request is particularly suited to an aggregated request for confidential treatment. The Energy Division’s Data Request is in the form of a template clearly delineating the categories of information each CCA must provide with

its own transaction information. Each CCA is therefore requesting confidential treatment of the same specific categories of information. It would be unnecessarily complex for all interested parties, including Energy Division staff, if each CCA were required to file an identical motion for confidential treatment.

## **CONCLUSION**

For the aforementioned reasons, on behalf of its members CalCCA respectfully requests the Commission grant the Motion and authorize the identified information to be submitted under seal by CCAs.

Respectfully submitted,

/s/Ann Springgate

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Counsel for California Community Choice  
Association

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**ADMINISTRATIVE LAW JUDGE’S RULING  
GRANTING CALIFORNIA COMMUNITY CHOICE ASSOCIATION  
MOTION FOR LEAVE  
TO SUBMIT INFORMATION TO STAFF UNDER SEAL**

On January \_\_\_, 2019, California Community Choice Association, on behalf of its members, filed a Motion For Leave to Submit Information to Staff Under Seal pertaining to market-sensitive and confidential data to be submitted pursuant to Ordering Paragraph (“OP”) 5 of Decision (“D.”) 18-10-019<sup>6</sup> and an *Energy Division Data Request Regarding the Renewables Portfolio Standard Adder for the Power Charge Indifference Adjustment (PCIA) Calculation, Pursuant to Decision 18-10-019* issued to load serving entities on January 14, 2019.

Good cause appearing, **IT IS RULED** that:

1. CalCCA’s Motion for Leave to Submit Information to Staff Under Seal, filed on January 24, 2019 is **GRANTED** as set forth below.
2. The information in the highlighted categories in the attached spreadsheet, specifically, “Contract Price (\$/MWh)” and “Contract Price with Any Time-of-Delivery Adjustments”, submitted pursuant to OP 5 of D.18-10-019 and the January 14, 2019 *Energy Division Data Request Regarding the Renewables Portfolio Standard Adder for the Power Charge Indifference Adjustment (PCIA) Calculation, Pursuant to Decision 18-10-019*, and any other additional submissions reasonably related thereto, shall be

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<sup>6</sup> D.18-10-019, Ordering Paragraph 5 at p. 160.

ATTACHMENT 1 – Ruling Granting Motion for Leave to Submit Information to Staff Under Seal

submitted to the California Public Utilities Commission (“Commission”) under seal and shall be kept confidential. In addition, the information shall not be made accessible or disclosed to any other person or entity other than Commission Staff except upon further order or ruling of the Commission, the Assigned Commissioner, the Assigned Administrative Law Judge (“ALJ”), or the ALJ then designated as the Law and Motion Judge.

Dated: \_\_\_\_\_, at San Francisco, California