BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA


(U 39 E)

MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U-39 E), THE CALIFORNIA COMMUNITY CHOICE ASSOCIATION, AND SMALL BUSINESS UTILITY ADVOCATES, TO SEAL PORTIONS OF THE EVIDENTIARY RECORD AND REPORT OF PACIFIC GAS AND ELECTRIC COMPANY (U-39 E)

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Dated: October 13, 2022
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA


(U 39 E)

Application 22-05-029
May 31, 2022

MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U-39 E), THE CALIFORNIA COMMUNITY CHOICE ASSOCIATION, AND SMALL BUSINESS UTILITY ADVOCATES, TO SEAL PORTIONS OF THE EVIDENTIARY RECORD AND REPORT OF PACIFIC GAS AND ELECTRIC COMPANY (U-39 E)

Pursuant to California Public Utilities Commission (“Commission”) Rules of Practice and Procedure 11.1 and 13.5, Pacific Gas and Electric Company (“PG&E”), the California Community Choice Association (“CalCCA”), and the Small Business Utility Advocates (“SBUA”) respectfully submit this Motion to Seal Portions of the Evidentiary Record (“Motion”) concerning portions of testimony offered into evidence by a concurrent written motion pursuant to Rule 13.8(c), Motion of PG&E, CalCCA, and SBUA to Offer Exhibits Into Evidence and Admit Into the Record Under Rule 13.8(c).1 As part of this Motion, PG&E also submits information concerning meet-and-confer activities as required by Commission Decision (“D”) 22-01-023.

A. Motion to Seal

By this Motion, PG&E, CalCCA, and SBUA request the Commission issue an order granting confidential treatment to certain information identified by gray shading in the confidential version of the following exhibits:

Exhibit PGE-1C

Exhibit PGE-2C

1 Pursuant to Commission Rule 1.8(d), PG&E confirms that CalCCA and SBUA have authorized PG&E to file this Motion behalf of their respective organizations.
Exhibit CalCCA-01-C
Exhibit SBUA 1-C
Exhibit SBUA 4-C

The exhibit in the evidentiary record for which PG&E, CalCCA, and SBUA seek protection contains confidential information pursuant to Public Utilities Code Section 454.5(g) and Decision (D.) 06-06-066, D.08-04-023, and D.14-10-033. Public Utilities Code Section 454.5(g) provides:

The commission shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information submitted in an electrical corporation’s proposed procurement plan or resulting from or related to its approved procurement plan, including, but not limited to, proposed or executed power purchase agreements, data request responses, or consultant reports, or any combination, provided that the Office of Ratepayer Advocates and other consumer groups that are nonmarket participants shall be provided access to this information under confidentiality procedures authorized by the commission.

In D.06-06-066, the Commission adopted rules and procedures governing the submission of confidential energy procurement information to the Commission. Appendix 1 of D.06-06-066 provides the Commission’s matrix governing the confidentiality of energy procurement data provided by Investor-Owned Utilities (IOUs). The Commission extended confidentiality protections to greenhouse gas (GHG)-related information in D.14-10-033.

In D.08-04-023, the Commission directed parties to make an oral or written motion for confidential treatment for material or testimony offered into evidence. In a motion, a party must establish:

1. That the material it is submitting constitutes a particular type of data listed in the Matrix;
2. The category or categories in the Matrix to which the data correspond;

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2 D.08-04-023, p. 21.
3. That it is complying with the limitations on confidentiality specified in
   the Matrix for that type of data;

4. That the information is not already public; and

5. That the data cannot be aggregated, redacted, summarized, masked or
   otherwise protected in a way that allows partial disclosure

PG&E’s transmittal of Exhibit PGE-1C through the Commission’s File Transfer Protocol
(FTP) Server on May 31, 2022 included a declaration and table that supports PGE-1C and the
subsequently transmitted Exhibit PGE-2C that: (1) describes the material for which PG&E seeks
confidential treatment; (2) identifies the authority supporting confidentiality protection (D.06-06-
066 and/or other authority); and (3) if protection is sought pursuant to D.06-06-066, the category
or categories in the Matrix to which the data correspond. In the column labeled “Justification for
Confidential Treatment,” PG&E explains why the material identified should be protected. The
information for which protection is requested is not already public and cannot be aggregated,
redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.
Information identified as confidential in Exhibit CalCCA-01-C, Exhibit SBUA 1-C, and Exhibit
SBUA 4-C is information that is identified as confidential by PG&E and is described in the
declaration and table supporting Exhibit PGE-1C.

PG&E has already served confidential versions of Exhibit PGE 1C and Exhibit PGE 2C
on Administrative Law Judge Long, the Commission’s Public Advocates Office, and those
parties who executed appropriate non-disclosure agreements. Likewise, CalCCA has already
served confidential versions of Exhibit CalCCA-01-C on Administrative Law Judge Long,
Commission’s Public Advocates Office those parties who executed appropriate non-disclosure
agreements. Other parties on the service list have been served with a redacted (i.e., public) copy
of these CalCCA and PG&E exhibits.

SBUA has served confidential versions of Exhibit SBUA 1-C and Exhibit SBUA 4-C on
Administrative Law Judge Long, Commission’s Public Advocates Office, and those parties who
executed appropriate non-disclosure agreements. Other parties on the service list have been
served with a redacted (i.e., public) copy of the exhibits.

For all the reasons set forth above, PG&E, CalCCA, and SBUA respectfully request that
the Commission issue an order sealing confidential portions of the evidentiary record, and
directing that the confidential, market sensitive information described above and appearing in the
confidential versions of Exhibit PGE-1 C, Exhibit PGE-2 C, Exhibit CalCCA-01C, Exhibit
SBUA 1C and Exhibit SBUA-4C shall remain protected under D.06-06-066 and other
applicable confidentiality restrictions, and shall not be made accessible or disclosed to anyone
other than Commission staff except upon further order of the Commission.

B. PG&E Report Concerning Meet and Confer

D. 22-01-023, among other things, established a process to address community choice
aggregation party concerns related to disparate approaches among Investor Owned Utilities
(“IOU”) regarding confidentiality treatment of procurement related components of their
respective Energy Resources Recovery Account (“ERRA”) forecast applications. The IOUs
were directed to host a meet and confer with parties to their 2022 ERRA forecast proceedings to
discuss the application of Decision 06-06-066 to ERRA and Portfolio Allocation Balancing
Account (“PABA”) data, and to propose changes to the public or confidential designations of
data in its 2023 ERRA forecast application.3/  

On April 18, 2022, the IOUs hosted a telephonic meet-and-confer with parties to their
respective 2022 ERRA forecast Applications (A. 21-04-010 of San Diego Gas & Electric
In that meet-and-confer, PG&E addressed concerns raised by CCA parties in Rulemaking 17-06-
026 regarding PG&E’s confidential treatment of certain granular attributes of resource adequacy
(“RA”) products contained within PG&E’s Power Charge Indifference Adjustment (“PCIA”)
workpapers supporting Application 22-05-029. At the meet-and-confer, PG&E indicated that

3/ D. 22-01-023, p. 27, COL 9 and p. 29, OP 7.
such redactions were previously determined necessary to protect market-sensitive information pertaining to PG&E’s bundled customer open position and sales strategies, and committed to further review. Following the meet-and-confer, PG&E reviewed the redacted data in its PCIA workpapers and determined that confidentiality protections must continue to apply to the RA information to avoid bundled customer and broader market harm because, if publicly revealed, market sensitive information concerning its bundled customer open capacity position would be released. Further, absent such redactions, to protect PG&E’s bundled customer open capacity position PG&E would redact components Commission’s approved PCIA Workpaper Template. Because redactions to the PCIA Workpaper template are inconsistent with the Commission’s goal of transparency in adopting the PCIA Workpaper Template, PG&E determined that it will continue to pursue confidentiality protections available to it under D. 06-06-066 and redact data necessary to protect its bundled customer’s open position for RA capacity. PG&E provided a substantially similar report in its Application.

Respectfully Submitted,

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By: /s/ Maria V. Wilson

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Dated: October 13, 2022

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4 PG&E’s open position for capacity was determined by the Commission to be market-sensitive in D. 06-06-066. See D. 06-06-006, Appendix 1, Confidentiality Matrix, p. 13, Section VI.A (clarifying that utility bundled net open capacity position is confidential for three years).

5 See D. 17-08-026, p. 4, Finding of Fact (FoF) 2 and 3 (describing transparency goals in developing the template). The PCIA Workpaper Template was most recently updated in D. 21-03-051.