



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

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Application of Pacific Gas and Electric Company for Adoption of Electric Revenue Requirements and Rates Associated with its 2023 Energy Resource Recovery Account (ERRA) and Generation Non-Bypassable Charges Forecast and Greenhouse Gas Forecast Revenue Return and Reconciliation.

Application 22-05-029
(Filed May 31, 2022)

(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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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.² 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;

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 Company, A. 21-06-001 of PG&E, and A. 21-06-003 of Southern California Edison Company). 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.

