

DOCKETED

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Project Title:	Carlsbad Energy Center - Compliance
TN #:	203879
Document Title:	Public Version of San Diego Gas & Electric Company:
Description:	Late-Filed Exhibit in the Matter of Application of San Diego Gas & Electric Company (U 902 E) for Authority to Partially Fill the Local Capacity Requirement Need Identified in D.14-03-004 and Enter into a Purchase Power Tolling Agreement with Carlsbad Energy Center, LLC
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PUBLIC (REDACTED) VERSION

Application No: A.14-07-009
Exhibit No.: 20
Date: January 13, 2015
Witness: _____

Application of San Diego Gas & Electric Company
(U 902 E) for Authority to Partially Fill the Local Capacity
Requirement Need Identified in D.14-03-004 and Enter
into a Purchase Power Tolling Agreement with Carlsbad
Energy Center, LLC.

Application 14-07-009
(Filed July 21, 2014)

LATE-FILED EXHIBIT OF
SAN DIEGO GAS & ELECTRIC COMPANY

****PUBLIC VERSION****

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

January 13, 2015

The information in the below data table is based on offer information received Monday, January 5, 2015. SDG&E is providing this information before it has completed conformance checks, reviewed contract template mark-ups and before preliminary analysis has been completed to examine project viability and to understand the relationship between the various offers. SDG&E anticipates that the conformance check process will take approximately 4-6 weeks, followed by the least cost, best fit/net market value modeling of conforming offers, which will continue for an **additional 10-12 weeks**. SDG&E then anticipates that it will identify a preliminary shortlist by mid-May and that it will notify shortlisted respondents by June 6. Additional critical caveats associated with this listing include:

1. The on-line date information provided by respondents is supposed to represent the on-line date for the facility or program. However, until SDG&E can analyze the offers more fully, the exact nature of this date is not clear and it may represent the expected contract execution date, start, on-line or commercial operation date or other date (see below information regarding the instructions given to the respondents regarding completion of this field in the offer form). Dates provided range from 2016 to 2022. SDG&E has not yet determined whether some or any of the capacity associated with the various offers is expected to be available at any given time prior to the dates shown (e.g., a particular time frame of interest such as year-end 2017). SDG&E anticipates filing the application requesting approval of contracts associated with its all-source solicitation in Q1 2016 and that Commission approval of any contracts would not occur until the end of 2016 at the earliest (this assumes no rehearing requests or court challenges); **therefore, any on-line dates in 2016 (or 2017) may not be realistic.**
2. Included in this data (including for the conventional resource type), are instances of multiple pricing options or configurations or schedules for what is, in fact, the same project. SDG&E allowed respondents to provide up to six offers per product type. This gives the respondent flexibility to provide various options related to the project. For example, offer number x and offer number y may be different versions of the same project. That is, a developer or respondent may have a particular location under site control and may have a particular technology/facility they are intending to put into service, but may offer different in-service phasing or other variations that could result in different pricing (e.g. number of start-ups, or different capacity configurations). **Therefore, if one were to try and add up the number of megawatts associated with a particular product type, such a total would be very misleading (and would vastly overstate the total MWs offered).** A valid total for MW offered by product type will not be available until SDG&E fully analyzes the offers provided.
3. SDG&E has not evaluated offers and contract template mark-ups to determine whether they meet the overall conformance requirements, which are identified next to each resource type. Therefore, some of the bids shown may be non-conforming offers that do not meet the requirements of the solicitation.
4. Some offers may include more than one technology. For example, an offer that is listed as solar may also include an energy storage component. This offer may have been submitted in both the renewable and storage product types. These details will not be known until SDG&E has time to fully analyze the offers. Therefore, the total number of megawatts associated with each technology may be misleading as shown and will not be available until SDG&E reviews each offer in more detail.
5. SDG&E has yet to conduct **any** viability assessment of these bids.

Offer	Resource Type	Megawatts	On-line Date	Instructions given with Date field in offer form	Listing of Conformance Requirements for each resource type (Conformance checks are NOT complete)
				SDG&E asked CHP bidders to provide the following online date information:	After additional review, CHP offers may be excluded from participation based on the conformance criteria listed below:
Removed - confidential	CHP	Removed - confidential	Removed - confidential	If the facility is going to require construction, please input the approximate start date of commercial operation	<ol style="list-style-type: none"> 1. Location / interconnecton (In the SD Local sub-area) 2. Term (Delivery term must include calendar year 2022) 3. Capacity minimum (\geq 5 MW) 4. Capacity maximum (\leq 775 MW) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental 7. WDAT, R21, CAISO Ph1 or 2 interconnection study 8. Rcvd or applied for all necessary permits 9. Site control for duration of proposed contract term 10. Respondent must own the facility and be responsible for development and operation 11. Facility must meet QF efficiency requirements 12. Must include at least 1 offer where respondent assumes the cost of GHG compliance
				SDG&E asked conventional bidders to provide the following online date information:	After additional review, conventional offers may be excluded from participation based on the conformance criteria listed below:
Removed - confidential	Conventional	Removed - confidential	Removed - confidential	Enter the proposed start date of the contract. This can be different than the commercial operation date.	<ol style="list-style-type: none"> 1. Location / interconnecton (In the SD Local sub-area) 2. Term (Delivery term must include calendar year 2022) 3. Capacity minimum (\geq 5 MW) 4. Capacity maximum (\leq 600 MW) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental 7. WDAT, R21, CAISO Ph1 or 2 interconnection study 8. Rcvd or applied for all necessary permits 9. Site control for duration of proposed contract term 10. Respondent must own the facility and be responsible for development and operation
				SDG&E did not ask DR bidders to provide online date information.	After additional review, DR offers may be excluded from participation based on the conformance criteria listed below:

Offer	Resource Type	Megawatts	On-line Date	Instructions given with Date field in offer form	Listing of Conformance Requirements for each resource type (Conformance checks are NOT complete)
Removed - confidential	Demand Response	Removed - confidential	Removed - confidential	None given	<ol style="list-style-type: none"> 1. Location (Customers in SDG&E's Service Territory) 2. Term (Delivery term must include calendar year 2022) 3. Capacity minimum (500 kW) 4. Capacity maximum (775 MW) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental 7. Must meet CAISO wholesale products tariff requirement 8. Cannot be subsidized under another CPUC regulated program or rate schedule 9. Cannot be fossil fired back-up generator 10. Must be dispatchable
				SDG&E asked DG bidders to provide the following online date information:	After additional review, DG offers may be excluded from participation based on the conformance criteria listed below:
Removed - confidential	Distributed Generation	Removed - confidential	Removed - confidential	Enter the proposed start date of the contract. This can be different than the commercial operation date.	<ol style="list-style-type: none"> 1. Location / interconnecton (In the SD Local sub-area) 2. Term (Delivery term must include calendar year 2022) 3. Capacity minimum (500 kW) 4. Capacity maximum (<~10MW) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental 7. WDAT, R21, CAISO Ph1 or 2 interconnection study 8. GHG emissions < .428 metric tons per MWh 9. Rcvd or applied for all necessary permits 10. Site control for duration of proposed contract term 11. Respondent must own the DG facility and be responsible for development and operation
				SDG&E asked EE bidders to provide the following online date information:	After additional review, EE offers may be excluded from participation based on the conformance criteria listed below:
Removed - confidential	Energy Efficiency	Removed - confidential	Removed - confidential	Enter the initial date that energy reduction impacts will be realized due to the proposed program.	<ol style="list-style-type: none"> 1. Location (Customers in SDG&E's Service Territory) 2. Term (Delivery term must include calendar year 2022) 3. Capacity minimum (500 kW) 4. Capacity maximum (775 MW) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental
				SDG&E asked Renewable bidders to provide the following online date information:	After additional review, Renewable offers may be excluded from participation based on the conformance criteria listed below:
Removed - confidential	Renewables	Removed - confidential	Removed - confidential	Enter the proposed start date of the contract. This can be different than the commercial operation date.	<ol style="list-style-type: none"> 1. Location / interconnecton (In the SD Local sub-area) 2. Term (Delivery term must include calendar year 2022) 3. Capacity minimum (> 3 MW) 4. Capacity maximum (< 775 MW) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental 7. WDAT, R21, CAISO 2 interconnection study 8. Rcvd or applied for all necessary permits 9. Site control for duration of proposed contract term 10. Respondent must own the facility and be responsible for development and operation 11. Price must must be in \$/MWh and included REC's
				SDG&E asked ES bidders to provide the following online date information:	After additional review, ES offers may be excluded from participation based on the conformance criteria listed below:
Removed - confidential	Energy Storage	Removed - confidential	Removed - confidential	Enter the proposed start date of the contract. This can be different than the commercial operation date.	<ol style="list-style-type: none"> 1. Meet energy storage definition included in PUC Code 2835 2. Capacity min: 500 kW (ESSPPTA), 10 MW (ESSBOT / ESSEPC) 3. Capacity max: 800 MW (ESSPPTA), 787.5 MW (ESSBOT/ESSEPC) 4. Location / interconnecton (In the SD Local sub-area) 5. Must meet RA counting Rules / Count for RA 6. Must be incremental 7. Provide Interconnection cost estimates (ESSPPTA and ESSBOT) 8. Site control for duration of proposed contract term (ESSPPTA and ESSBOT) 10. Respondent must own the facility and be responsible for development and operation (ESSPPTA)

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

**DECLARATION OF HILLARY HEBERT REGARDING
CONFIDENTIALITY OF CERTAIN DATA**

I, Hillary Hebert, do declare as follows:

1. I am the Programs and Partnerships Manager within the Electric and Fuel Procurement Department of San Diego Gas & Electric Company (“SDG&E”). I have reviewed SDG&E’s response to the California Public Utilities Commission’s request for a late-filed exhibit in connection with SDG&E’s Application 14-07-009 requesting approval of an agreement with the Carlsbad Energy Center (the “Exhibit”). In addition, I am personally familiar with the facts and representations in this Declaration and, if called upon to testify, I could and would testify to the following based upon my personal knowledge and/or belief.

2. I hereby provide this Declaration in accordance with D.06-06-066, as modified by D.07-05-032, and D.08-04-023 to demonstrate that the confidential information (“Protected Information”) provided in the Data Response submitted concurrently herewith, falls within the scope of data protected pursuant to the IOU Matrix attached to D.06-06-066 (the “IOU Matrix”).^{1/} In addition, the Commission has made clear that information must be protected where “it matches a Matrix category exactly or consists of information from which that information may be easily derived.”²

3. I address below each of the following five features of Ordering Paragraph 2 in D.06-06-066:

- That the material constitutes a particular type of data listed in the Matrix,
- The category or categories in the Matrix to which the data corresponds,
- That it is complying with the limitations on confidentiality specified in the Matrix for that type of data,

^{1/} The Matrix is derived from the statutory protections extended to non-public market sensitive and trade secret information. (See D.06-06-066, *mimeo*, note 1, Ordering Paragraph 1). The Commission is obligated to act in a manner consistent with applicable law. The analysis of protection afforded under the Matrix must always produce a result that is consistent with the relevant underlying statutes; if information is eligible for statutory protection, it must be protected under the Matrix. (See *Southern California Edison Co. v. Public Utilities Comm.* 2000 Cal. App. LEXIS 995, *38-39) Thus, by claiming applicability of the Matrix, SDG&E relies upon and simultaneously claims the protection of Public Utilities Code §§ 454.5(g) and 583, Govt. Code § 6254(k) and General Order 66-C.

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

- That the information is not already public, and
- That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.³

4. SDG&E's Protected Information: As directed by the Commission, SDG&E demonstrates in table form below that the instant confidentiality request satisfies the requirements of D.06-06-066.⁴

5.

Data at Issue	D.06-06-066 Matrix Requirements	How Moving Party Meets Requirements
Capacity/size, resource type and online date for each offer submitted to SDG&E's 2014 All-Source Request for Offers	Demonstrate that the material submitted constitutes a particular type of data listed in the IOU Matrix	This exhibit provides bid-specific information as requested by the Commission.
	Identify the Matrix category or categories to which the data corresponds	This information is protected under IOU Matrix category VIII A.
	Affirm that the IOU is complying with the limitations on confidentiality specified in the Matrix for that type of data	In accordance with the limitations on confidentiality set forth in the IOU Matrix, SDG&E requests that this information be kept confidential until the final contracts associated with this RFO have been submitted to the CPUC for approval.
	Affirm that the data is not already public	SDG&E has not publicly disclosed this information and is not aware that it has been disclosed by any other party.
	Affirm that the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.	It is not possible to aggregate, mask, redact or summarize the data and still be responsive to the Commission's request.

6. Public Utilities Code § 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

³ D.06-06-066 as amended by D.07-05-032, mimeo, p. 81, Ordering Paragraph 2.

⁴ See *Administrative Law Judge's Ruling on San Diego Gas & Electric Company's Motions to File Data Under Seal*, issued April 30, 2012 in R.06-05-027, P. 7, Ordering Paragraph 3 ("In all Future Filings, SDG&E shall include with any request for confidentiality a table that lists the five D.06-06-066 Matrix requirements, and explains how each item of data meets the matrix").

participants shall be provided access to this information under confidentiality procedures authorized by the commission.

7. General Order 66-C protects "[r]eports, records and information requested or required by the Commission which, if revealed, would place the regulated company at an unfair business disadvantage."

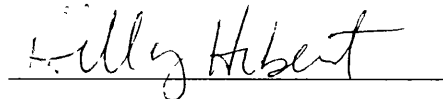
8. Under the Public Records Act, Govt. Code § 6254(k), records subject to the privileges established in the Evidence Code are not required to be disclosed.⁵ Evidence code § 1060 provides a privilege for trade secrets, which Civil Code § 3426.1 defines, in pertinent part, as information that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure.

9. Public Utilities Code § 583 established a right to confidential treatment of information otherwise protected by law.⁶

10. If disclosed, the Protected Information could provide parties, with whom SDG&E is currently negotiating, insight into SDG&E's procurement needs, which would unfairly undermine SDG&E's negotiation position and could ultimately result in increased cost to ratepayers. In addition, if developers mistakenly perceive that SDG&E is not committed to assisting their projects, disclosure of the Protected Information could act as a disincentive to developers. Accordingly, pursuant to P.U. Code § 583, SDG&E seeks confidential treatment of this data, which falls within the scope of P.U. Code § 454.5(g), Evidence Code § 1060 and General Order 66-C.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 13th day of January, 2015, at San Diego, California.



Hillary Hebert
Programs and Partnerships Manager
San Diego Gas & Electric Company

⁵ See also Govt. Code § 6254.7(d).

⁶ See, D.06-06-066, mimeo, pp. 26-28.