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**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 18-07-003
(Filed July 12, 2018)

**MOTION OF COMMERCIAL ENERGY OF MONTANA, INC. DBA
COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE
PORTIONS OF ITS RPS PLAN UNDER SEAL; CONFIDENTIAL
MATERIAL(S) ATTACHED AND FILED UNDER SEAL**

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Dated: January 18, 2023

MOTION OF COMMERCIAL ENERGY OF MONTANA, INC. DBA COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE PORTIONS OF ITS RPS PLAN UNDER SEAL; CONFIDENTIAL MATERIALS ATTACHED AND FILED UNDER SEAL

Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04-023, and direction from the Commission’s Docket Office, Commercial Energy of Montana, Inc. dba Commercial Energy of California (“Commercial Energy”) hereby files this Motion for leave to file portions of its 2022 Renewables Portfolio Standard Procurement Plan (“RPS Plan”) under seal. This Motion is being served and filed concurrently with Commercial Energy’s confidential version of the RPS Plan. The public version of the plan was filed on January 18, 2023.

In D.06-06-006, the Commission adopted rules regarding the confidentiality of electric procurement data required to be submitted to the Commission by Electric Service Providers. Specifically, the ESP Matrix specifies the confidential treatment to be afforded to certain categories of data. As set forth below, Commercial’s RPS Plan contains market sensitive information, and should be protected from public disclosure. The information provided below uses the format specified in the “Matrix of Allowed Confidential Treatment Energy Service Provider (ESP) Data” (ESP Matrix) under the provisions of D. 06-06-066, as modified by D. 08-04-023, and D.21-11-029.

To the extent information provided matches a Matrix category it is entitled to the protections the Matrix provides for that category of information. In addition, the Commission has established that information that does not fall within a matrix category must be protected where it “consists of information from which that information may be easily derived.” In order to claim the protection afforded by the relevant Matrix, the party seeking confidential treatment must establish:

- 1) That the material it is submitting constitutes a particular type of data listed in the Matrix;
- 2) To which category or categories in the Matrix the data corresponds;

- 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 publicly available; and
- 5) That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Portions of the information contained in Appendices C, E and G of Commercial Energy's RPS Plan, as specified in the table below, are eligible for confidential treatment under the provisions of D.06-06-066 and the ESP Matrix adopted in that decision, and as modified in D.08-04-023 and D.21-11-029. Accordingly, Commercial hereby affirms that the following RPS-related compliance data is confidential and that the Commission should afford it confidential treatment for the periods specified in the ESP Matrix in order to prevent the material harm that loss of confidentiality may cause to Commercial and its customers.

<i>Spread Sheet Location</i>	<i>Type of Data</i>	<i>Matrix Category</i>
Appendix C: Cells I7:N7; I9:N9; I10:N10; I11:N11; I25:N25; I26:N26; F28:W37; F41:W42	Retail sales (MWhs) and RPS Contracts for prior year, current year and 3 years of actual retail sales, forecasts and procurement targets for same "window of confidentiality" period	I – Renewables Portfolio Standard (RPS) Information A) RPS Compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years

Appendix E: Tables 2 Cells C60:F60; C63:L85; C86:F86; C87:L89 Tables 3 & 4 Cells E8:E30; C59:F82 Appendix G: Bid Solicitation		of forecast retail sales and historical retail sales and supply data (MWh) would reveal entire net short of ESP, including information that could be used to extrapolate this information. C) RPS Contracts: data redacted because individual disclosure or disclosure in conjunction with non-confidential RPS procurement information would reveal contract prices.
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Commercial further affirms that the data for which Commercial Energy is claiming confidentiality is not already public, and that the confidentiality of the data for which Commercial Energy is claiming confidentiality would not be compromised if it were first aggregated with the equivalent data of all other load serving entities before being made public. Other than by the aforesaid process, the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

In addition, the Energy Division has designated Confidential data fields for Planned Application of RECs above the PQR towards RPS Compliance, Planned Sales of RECs above the PQR, Net Balance of RECs above the PQR, and Annual Net RPS Positions in GWh and percentage after Bank Optimization in prior years. Commercial Energy requests confidential treatment for those fields for this 2022 filing as well.

Commercial therefore requests, in accordance with the confidential treatment afforded in D.06-06-066, D.08-04-023, D.21-11-029, and the ESP Matrix, that the Commission grant confidential treatment to the data specified in the table above and to the portions of the matrix

designated as Confidential by the Energy Division. As required, a Proposed Order is attached to this motion.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Curry Stypula', followed by a horizontal line.

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Dated: January 18, 2023

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Rulemaking 18-07-003
(Filed July 12, 2018)

**[PROPOSED] RULING GRANTING MOTION OF COMMERCIAL ENERGY
OF MONTANA, INC. DBA COMMERCIAL ENERGY OF CALIFORNIA FOR
LEAVE TO FILE PORTIONS OF ITS RPS PLAN UNDER SEAL**

Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04023, Commercial Energy of Montana, Inc. dba Commercial Energy of California (“Commercial Energy”), a registered electric service provider (“ESP”) filed a Motion on, January 18, 2023 for leave to file its 2022 Renewables Portfolio Standard Procurement Plan (“RPS Plan”) under seal. This ruling grants the Motion.

Accordingly, it is ordered that:

1. The information designated as confidential in Appendices C, E, and G in the Table on pages 2-3 of the Motion of Commercial Energy of California for Leave to File Portions of Its RPS Plan Under Seal shall remain sealed
2. and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned Administrative Law Judge (“ALJ”) or an ALJ designated to rule on this Motion
3. Further proceedings, if any, held with respect to matters contained in the confidential data shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the data described herein;
4. Non-market participants may request access to the confidential information pursuant to applicable rules; and
5. All additional documentary evidence in this proceeding that addresses or relates to the

confidential data must be treated in the confidential manner described in paragraphs 1 and 2 above.


Administrative Law Judge

Dated: _____

VERIFICATION

I am an officer of Commercial Energy of Montana, Inc. dba Commercial Energy of California and am authorized to make this verification of its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct, and that this verification is executed on this 18th day of January, 2023 at Oakland, California.

A handwritten signature in black ink, appearing to read 'Curry Stypula', with a long horizontal line extending to the right.

Curry Stypula
President
Commercial Energy of Montana, Inc.
dba Commercial Energy of California