

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

05/03/19
04:59 PM

Application of Pacific Gas & Electric
Company (U 39-E) for Approval of Demand
Response Programs, Pilots and Budgets for
Program Years 2018-2022.

And Related Matters.

Application 17-01-012
(Filed January 17, 2017)

Application 17-01-018
Application 17-01-019

**JOINT RESPONSE OF CPOWER, ENEL X NORTH AMERICA, INC., AND
ENERGYHUB (JOINT DR PARTIES) TO MOTION OF THE
PUBLIC ADVOCATES OFFICE FOR LEAVE TO FILE UNDER SEAL**

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May 3, 2019

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CPower, Enel X North America, Inc. (formerly known as EnerNOC, Inc.), and EnergyHub (Joint DR Parties) respectfully submit this Joint Response in opposition to the Motion of the Public Advocates Office (PAO) for Leave to File Under Seal filed on April 25, 2019. This Joint Response is timely filed and served pursuant to Rule 11.4(b) of the Commission's Rules of Practice and Procedure. Pursuant to Rule 11.1(e) of the Commission's Rules of Practice and Procedure, the Joint DR Parties have also responded this same day in opposition to PAO's Motion to Admit the Confidential Reports of Southern California Edison Company (SCE) and Pacific Gas and Electric Company (PG&E) (PAO Motion to Admit).

Today, May 3, 2019, an ALJ's Ruling (May 3 ALJ's Ruling) was issued that addresses and denies an earlier motion by PAO filed on March 29, 2019, seeking to file the confidential audit reports under seal. The May 3 ALJ's Ruling, however, did not reference either of the PAO's April 25 Motions. While the Joint DR Parties believe that the May 3 ALJ's Ruling should be dispositive of PAO's April 25 Motions as being without merit, the Joint DR Parties are necessarily filing this response (as well as a response to PAO's April 25 Motion to Admit) out of an abundance of caution to complete the record and ensure that both April 25 Motions by PAO are also denied.

Thus, as stated in the Joint DR Parties' Response filed today in opposition to PAO's April 25 Motion to Admit the confidential reports, PAO has no legal basis to seek admission into the record of the two documents it has labeled as "Confidential Audit Reports" and that are further identified as "SCE's Nexant Audit Report" and "PG&E's Summary of 2018-2019 DRAM RFO Audit Analysis, Results of December 4, 2018."¹ PAO's effort to have these two audits admitted into the record of this proceeding violates Commission rules that apply to *all* parties that appear before the Commission, without exception, most specifically, Rule 13.7 of the Commission's Rules of Practice and Procedure and the ALJ's Ruling of January 4, 2019 (January 4 ALJ's Ruling).

Because PAO's Motion to Admit must be denied with prejudice, there is, in turn, no basis for the Commission to grant this PAO companion motion to have those confidential reports filed under seal or in any form. The Joint DR Parties further believe that denial of PAO's April 25 Motion for leave to file these reports under seal is additionally and fully supported by the May 3 ALJ's Ruling that denied an earlier motion by PAO seeking the same relief.

Respectfully submitted,

May 3, 2019

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¹ Joint DR Parties Response to PAO Motion to Admit, at pp. 5-8; PAO Motion to Admit (April 25, 2019), at p. 2.

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