



ALJ/RL8/EC2/nd3 11/8/2019

**FILED**  
11/08/19  
03:14 PM

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2020. (U39M)

Application 18-12-009

**ADMINISTRATIVE LAW JUDGES' RULING  
ADOPTING CONFIDENTIAL MODELING PROCEDURES**

Today's ruling adopts procedures for the confidential production of computer-model runs using the Results of Operations model of Pacific Gas & Electric Company to generate the tables needed for decision support in these consolidated proceedings. The use of computer models in Commission proceedings is governed by Public Utilities Code §§ 1821-1822 and Rules 10.3-10.4 of the Commission's Rules of Practice and Procedure. The attached Results of Operations Modeling Procedures (Attachment 1), the Protective Order (Attachment 2), and the Certificate of Compliance (Attachment 3), are adopted by this ruling. These shall govern the Results of Operation modeling process that will be administered by the Energy Division to generate the tables needed for decision support in these proceedings.

**IT IS RULED** that to assure the confidentiality of the Commission's deliberative process, the Results of Operations Modeling Procedures set forth in Attachment 1 of this ruling, the Protective Order set forth in Attachment 2 of this ruling, and the Certificate of Compliance form set forth in Attachment 3 of this

ruling are hereby adopted. Said procedures are binding upon the parties in these proceedings.

Dated November 8, 2019, at San Francisco, California.

/s/ ELAINE C. LAU

Elaine C. Lau  
Administrative Law Judge

/S/ RAFAEL L. LIRAG

Rafael L. Lirag  
Administrative Law Judge

## **ATTACHMENT 1**

### **RESULTS OF OPERATIONS MODELING PROCEDURES**

Upon request of the Energy Division Director of the California Public Utilities Commission (Commission) or his designee(s), Pacific Gas & Electric Company (PG&E) and/or The Public Advocates Office (CalPA) will provide all necessary assistance to the Energy Division in running the Results of Operation (RO) model used by PG&E in A.18-12-009 to produce tables required for the Administrative Law Judge's (ALJ) proposed decision, any Commissioner alternate decision, and the Commission-adopted decision. The following requirements shall govern the modeling process:

1. Model run(s) shall be performed at the Commission offices under the supervision, oversight, and control of the Energy Division Director or his designee(s).
2. Model run(s) shall be performed using only computer hardware, software, and media installed or placed in the Commission offices. Except as provided below, all such hardware, software, and media, and all related notes, worksheets, workpapers and computer output, shall remain in the custody of the Energy Division Director or his designee(s), and shall not be removed from the Commission offices. However, 30 days after a Commission decision which incorporates the model run becomes final and non-appealable, the hardware and software that belong to PG&E may be returned, and the Energy Division Director (or his designee(s)) may destroy any other materials he does not wish to retain. An exception to these provisions is that media, notes, worksheets, and computer output which are part of workpapers associated with model runs supporting the ALJ's proposed decision, and any Commissioner's alternate decision, or revisions to either of them, may be released in accordance with paragraph 6 below, on or after the date of issuance of an ALJ's proposed or a Commissioner alternate decision.
3. Any computer equipment used by non-Commission personnel to perform model runs shall be "stand-alone," *i.e.*, it shall not be connected with any other computer, computer system, equipment, or another device that would allow communication of information in the model, model run, or inputs or outputs.

4. Before obtaining access to any information contained in or pertaining to the ALJ's proposed decision or any Commissioner alternate decision, or revisions to either of them, (prior to the release of any such information pursuant to paragraph 6, below), each employee, agent, or representative of PG&E, or CalPA involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.
5. The Energy Division Director or his designee(s), shall determine that each employee, agent, or representative of PG&E or CalPA who receives access to information about the contents of the ALJ's proposed decision, any Commissioner alternate decision, and revisions to either of them, has first signed a certificate of compliance with the protective order. Employees, agents, or representatives of PG&E, and CalPA who have signed a certificate of compliance with the protective order, shall use information obtained about the contents of the proposed decision, any alternate decision, and any revisions to either of them only to assist in running the RO model, and shall not advise the Commission, including Energy Division, on any issues being considered in A.18-12-009.
6. As soon as practicable after the date of issuance of the ALJ's proposed decision and, if applicable, a Commissioner's alternate decision, or any revised versions of them that are issued for comment, and no later than seven days after the date of such issuance, Energy Division, and if necessary, with the assistance of employees, agents, or representatives from PG&E and/or CalPA having signed a certificate of compliance with the protective order, shall serve workpapers associated with this modeling upon each party of record making prior written request for them. Workpapers associated with the model runs supporting the ALJ's proposed decision, any revisions to the proposed decision, and any Commissioner alternate decisions and revised alternate decisions shall be designated as Late-Filed Exhibit ALJ-1 and continuing as needed. Workpapers may be served in electronic form.
7. To the extent that Energy Division believes that the workpapers might contain confidential information, it will consult with PG&E. PG&E may negotiate non-disclosure agreements with parties requesting the workpapers. If non-disclosure agreements cannot be reached, PG&E may file a motion for a protective order to address or limit the parties or individuals who may receive the workpapers. The protective order attached hereto is only designed to protect the Commission's confidential information.

8. Any and all drafts and unused analysis that does not directly support or is required for the ALJ's proposed decision, any Commissioner alternate decision(s), any revisions to ALJ's proposed decision and Commissioner alternate decision(s), and the Commission-adopted decision, is to be destroyed or otherwise deleted. All information in this category remains confidential permanently and may not be disclosed.

**(END OF ATTACHMENT 1)**

## **ATTACHMENT 2**

### **PROTECTIVE ORDER**

1. This Protective Order shall govern the use of all protected materials, as defined herein, by (a) Pacific Gas & Electric Company (PG&E), (b) The Public Advocates Office (CalPA), and (c) PG&E's and CalPA's employees, representatives, and agents.
2. "Protected Materials" include confidential written or oral communications from the staff of the California Public Utility Commission's (Commission) Energy Division or Administrative Law Judges Division, or any Commissioner or Commissioner's advisor, which reflect or relate to the contents of the Administrative Law Judge (ALJ) proposed decision or any Commissioner alternate decision, or to revisions to either of them, not otherwise released by the Commission. "Protected Materials" also include all computer hardware, software, media, notes, worksheets, workpapers, computer inputs, computer outputs, or any other documents which relate to these written or oral communications from the Energy Division staff.
3. The term "Certificate of Compliance" shall mean the certificate annexed hereto by which the employees, representatives and agents of PG&E and CalPA will be granted access to Protected Materials. Said persons shall certify their understanding that access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that they have read the Protective Order and agree to be bound by it. No employee, representative or agent of PG&E or CalPA will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, PG&E and CalPA shall provide the Commission's Energy Division with the original of each Certificate of Compliance that has been executed, and shall serve a copy of each Certificate of Compliance on all parties on the Commission's service list in this proceeding.
4. The term "Reviewing Representative" shall mean each PG&E and CalPA employee, representative, or agent who has signed a Certificate of Compliance and been granted access to the Protected Materials. Each Reviewing Representative shall treat as confidential the Protected Materials and shall not disclose in any manner any information contained in or relating to the Protected Materials to any person, except another Reviewing Representative or an employee of the Commission involved in the decision-making process in this

proceeding (excluding CalPA employees that have not signed the Certificate of Compliance with the Protective Order). Each Reviewing Representative shall not use his or her knowledge of any Protected Materials on behalf of PG&E or CalPA. Furthermore, employees, agents, or representatives of PG&E and CalPA are granted access to Protected Materials only to assist in running the Results of Operation model, and shall not advise the Commission, including Energy Division, on any issues considered in A.18-12-009.

5. A supervisor in PG&E management, or CalPA management, who has authority over each Reviewing Representative, shall instruct each Reviewing Representative to read and agree to comply with this Protective Order. The supervisor in PG&E management, or CalPA management shall also take all reasonable and necessary steps to ensure that nobody at PG&E or CalPA attempts to learn from any Reviewing Representative the contents of any Protected Materials.

6. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

**(END OF ATTACHMENT 2)**

### **ATTACHMENT 3**

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2020. (U39M)

Application 18-12-009

#### **CERTIFICATE OF COMPLIANCE**

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in these proceedings, that I have been given a copy of and read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials and any notes or any other form of information that relates to the Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I will not use knowledge of any Protected Materials on behalf of either Pacific Gas & Electric Company (PG&E) or The Public Advocates Office (CalPA). I acknowledge that a violation of this certificate constitutes a violation of an order of the Commission.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Representing (PG&E, CalPA): \_\_\_\_\_

Date: \_\_\_\_\_

**(END OF ATTACHMENT 3)**