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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 AMENDED CONFIDENTIAL MODELING PROCEDURES**

In response to the Governor's order¹ to encourage social distancing to help prevent or minimize the spread of the novel coronavirus, we recognize that the confidential modeling procedures and attendant documents adopted previously in the Administrative Law Judge ruling dated November 8, 2019, must be revised. We therefore amend the confidential modeling procedures under the special circumstances brought about by the novel coronavirus pandemic and to accommodate constraints brought to the modeling process.

Today's ruling adopts amended procedures for the confidential production of computer model runs using the Results of Operations model of Pacific Gas and Electric Company to generate the tables needed for decision support in this proceeding. 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.

¹ Stay-at-home Order N-33-20

The attached amended 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 this proceeding.

IT IS RULED that to assure the confidentiality of the Commission's deliberative process and to help prevent or minimize the spread of the novel coronavirus, 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 this proceeding.

Dated August 13, 2020, 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

AMENDED RESULTS OF OPERATIONS MODELING PROCEDURES

Upon request of the Energy Division Director of the California Public Utilities Commission (Commission) or its designee(s), Pacific Gas and Electric Company (PG&E) and/or The Public Advocates Office (Cal Advocates) will provide all necessary assistance to the Energy Division in running the Results of Operation(RO) model used by PG&E in Application (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 PG&E's offices, or telework locations, under the supervision, oversight, and control of the Energy Division Director or its designee(s) – such activities which may include videoconferences, secure file transfers, written documentation or other methods of interactive remote communication. The Energy Division Director or its designee(s) shall conduct regularly scheduled check-ins with PG&E about the model run activities as necessary.
2. Model run(s) shall be performed using only computer hardware, software, and media installed or placed in PG&E's offices or telework locations. PG&E shall retain all related notes, worksheets, workpapers, and computer output and convey them to the Energy Division at the conclusion of the modelling, and Energy Division shall follow the Commission's document retention policy.
3. Any model runs or operation pursuant to these procedures, the information or data input, and information generated thereby shall be confidential and shall not be communicated or allowed to be communicated within PG&E or elsewhere except as provided by these procedures.
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 Cal Advocates, involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.

5. The Energy Division Director or the Director's designee(s), shall determine that each employee, agent, or representative of PG&E or Cal Advocates, 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 Cal Advocates, 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 Cal Advocates 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 nondisclosure 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 and Electric Company (PG&E), (b) The Public Advocates Office (Cal Advocates), and (c) PG&E's and Cal Advocates' 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 Cal Advocates 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 Cal Advocates 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 Cal Advocates 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 Cal Advocates 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 Cal Advocates 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 Cal Advocates. Furthermore, employees, agents, or representatives of PG&E and Cal Advocates 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 Cal Advocates 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 Cal Advocates management shall also take all reasonable and necessary steps to ensure that nobody at PG&E or Cal Advocates 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

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Company for Authority, Among Other
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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 this proceeding, 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 and Electric Company (PG&E) or the Public Advocates Office (Cal Advocates). I acknowledge that a violation of this certificate constitutes a violation of an order of the Commission.

By: _____

Title: _____

Representing (PG&E, Cal Advocates): _____

Date: _____

(END OF ATTACHMENT 3)