

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

Order Instituting Rulemaking to Establish
Policies, Processes, and Rules to Ensure Safe
and Reliable Gas Systems in California and
Perform Long-Term Gas System Planning.

R.20-01-007
(Filed January 16, 2020)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 G) FOR LEAVE TO
FILE UNDER SEAL CONFIDENTIAL MATERIALS FILED IN RESPONSE TO
ADMINISTRATIVE LAW JUDGE'S RULING SEEKING REVISED DATA FROM
CALIFORNIA'S GAS UTILITIES**

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Dated: November 4, 2022

Attorneys for
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Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission’s (“Commission” or “CPUC”) Rules of Practice and Procedure, and the Administrative Law Judge’s Ruling on Gas Utilities’ Confidentiality Claims Concerning Customer Gas Consumption and Infrastructure Data and Order Requiring Resubmission of Data, issued on October 28, 2022, Pacific Gas and Electric Company (“PG&E”) files this Motion for Leave to File Under Seal (“Motion”) for the unredacted, confidential version of its Response to the Administrative Law Judge’s Ruling Seeking Revised Data from California’s Gas Utilities, issued on September 21, 2022 (“Ruling”), which directed California’s investor-owned gas utilities to provide specified information about their gas systems. The confidential material PG&E seeks to protect in its Response is customer gas consumption information provided by census tract and zip code that is not sufficiently aggregated, as discussed below. Specifically, the following requested information categories, as directed in the Appendix to the Ruling, contain certain customer gas consumption information that does not meet minimum confidentiality aggregation requirements:

Question 1: Gas System Census Tract Data

- Average annual daily gas consumption in 2021 (TotalLoad)
- Peak hourly gas consumption in 2021 (PeakLoad)

Question 2: Gas Consumption Data by Census Tract

- Core customer Alternative Rates for Energy (CARE) residential (CARELoad)
- Core residential excluding CARE (CoreResLoad)
- Core commercial (CoreCommLoad)
- Core NGV (CoreNGVLoad)
- Noncore commercial (NCCommLoad)
- Noncore industrial excluding refinery (NCIndLoad)
- Noncore refinery (NCRefLoad)
- Noncore electric generation (EG)
- Other wholesale (delivered to other utilities/wholesale including international) (WhLoad)
- PG&E Company Usage load (CoLoad)
- All core load (CoreLoad)
- All noncore load (NCLoad)

Question 3: Gas Consumption Data by Zip Code – same categories as Question 2 above

Question 5c: Customer Data

- Average annual daily wholesale consumption (MMcfd)
- Average annual daily wholesale consumption metered hourly (MMcfd)
- Wholesale consumption during peak hour, for wholesale metered hourly (MMcfh)
- Estimated wholesale consumption during peak hour, for other not metered hourly (MMcfh)

This confidential information is also detailed in the attached Declaration Supporting Confidential Designation on Behalf of Pacific Gas and Electric Company (see Attachment A) and has been redacted from the public version of PG&E's Response.

California statutory law as well as longstanding Commission precedent has endorsed the use of data minimization – in particular, the aggregation and/or anonymization of customers'

personal data. California Public Utilities Code Section 8380(e)(1) promotes "...using customer aggregate or gas consumption for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer." Commission Decision (D.) 11-07-046 mandates data minimization to "promote data security." Specifically, the Commission has provided aggregation and/or anonymization rules to protect customer data in D.14-05-016 requiring that for "residential customers, the zip code must have 100 or more residential customers" and "for commercial or agricultural customers, the zip code must have 15 or more commercial or agricultural customers, with no single account constituting more than 15% of the total consumption in any month."¹ The same aggregation rule applies for industrial customers as commercial/agricultural customers.² In its Response, PG&E has used the aggregation rules in D.14-05-016 to guide the appropriate levels of aggregation for any personal identifying information of customers.

PG&E's Motion also is consistent with the Administrative Law Judge's Ruling on Gas Utilities' Confidentiality Claims Concerning Customer Gas Consumption and Infrastructure Data and Order Requiring Resubmission of Data, issued on October 28, 2022.

For the reasons described above and in Attachment A, PG&E requests that the Commission grant PG&E's Motion to file the confidential, unredacted version of its Response under seal. The confidential version of PG&E's Response in PDF format will be filed upon endorsement of this Motion by the Commission's Docket Office and will be provided to the Docket Office on an archival grade CD-ROM. Pursuant to Rule 11.4 of the Commission's Rules of Practice and Procedure, PG&E requests that the Commission treat this material as confidential.

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¹ D.14-05-016 at pp. 26-27.

² *Id.*

ATTACHMENT A

**BEFORE THE PUBLIC UTILITIES COMMISSION
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**DECLARATION SUPPORTING CONFIDENTIAL DESIGNATION
ON BEHALF OF
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)**

1. I, William Hilton III, am a Senior Compliance Specialist, Gas Operations Support of Pacific Gas and Electric Company (“PG&E”), a California corporation. Christine Cowser, the Senior Vice President, Gas Engineering of PG&E, delegated authority to me to sign this declaration. My business office is located at:

Pacific Gas and Electric Company
6121 Bollinger Canyon Road
Mailstop BR1Z3E
San Ramon, CA 94583

2. PG&E will produce the information identified in paragraph 3 of this Declaration to the California Public Utilities Commission (“CPUC”) or departments within or contractors retained by the CPUC in response to a CPUC audit, data request, proceeding, or other CPUC request.

Name or Docket No. of CPUC Proceeding (if applicable): 20-01-007.

3. Title and description of document(s):

Attachment No.	Title	Description
1	Gas System Census Tract Data - PG&E CONF.xlsx	Gas System Census Tract Data – Question 1
2	Gas System Census Tract Data - PG&E CONF.csv	Gas System Census Tract Data – Question 1
3	Consumption Data by Census Tract - PGE CONF.xlsx	Consumption Data by Census Tract – Question 2
4	Consumption Data by Census Tract - PGE CONF.csv	Consumption Data by Census Tract – Question 2

Attachment No.	Title	Description
5	Consumption Data by Zip Code - PGE CONF.xlsx	Consumption Data by Zip Code – Question 3
6	Consumption Data by Zip Code - PGE CONF.csv	Consumption Data by Zip Code – Question 3
7	Supplemental Data PGE_Q5c_CONF.xlsx	Supplemental Data – Question 5c

4. These documents contain confidential information that, based on my information and belief, has not been publicly disclosed. These documents have been marked as confidential, and the basis for confidential treatment and where the confidential information is located on the documents are identified on the following chart:

Check

Basis for Confidential Treatment

Where Confidential Information is located on the documents



Customer-specific data, which may include demand, loads, names, addresses, and billing data

(Protected under PUC § 8380; Civ. Code §§ 1798 *et seq.*; Govt. Code § 6254; Public Util. Code § 8380; Decisions (D.) 14-05-016, 04-08-055, 06-12-029)

Confidential information is highlighted yellow on:

Atch 1. Sheet “Gas System Census Tract Data –”

Atch 3. Sheet “Consumption Data by Census Trac”

Atch 5. Sheet “Consumption Data by Zip Code –”

Atch 7. Sheet “Customer Data”

Due to system limitations of .csv files, confidential information cannot be marked in the following files. Thus, the following columns are considered confidential in their entirety:

Atch 2. Sheet “Gas System Census Tract Data –”, Columns L-M

Atch 4. Sheet “Consumption Data by Census Trac”, Columns B-O

Atch 6. Sheet “Consumption Data by Zip Code –”, Columns B-O

Personal information that identifies or describes an individual (including employees), which may include home address or phone number; SSN, driver’s license, or passport numbers; education; financial matters; medical or employment history (not including PG&E job titles); and statements attributed to the individual

(Protected under Civ. Code §§ 1798 *et seq.*; Govt. Code § 6254; 42 U.S.C. § 1320d-6; and General Order (G.O.) 77-M.)

Physical facility, cyber-security sensitive, or critical energy infrastructure data, including without limitation critical energy infrastructure information (CEII) as defined by the regulations of the Federal Energy Regulatory Commission at 18 C.F.R. § 388.113 and/or General Order 66-D (“The subject information: (1) is not customarily in the public domain by providing a declaration in compliance with Section 3.2(c) stating that the subject information is not related to the location of a physical structure that is visible with the naked eye or is available publicly online or in print; and (2) the subject information either: could allow a bad actor to attack, compromise or incapacitate physically or electronically a facility providing critical utility service; or discusses vulnerabilities of a facility providing critical utility service”).

(Protected under Govt Code § 6254(k), (ab); 6 U.S.C. § 131; 6 CFR §29.2)

Proprietary and trade secret information or other intellectual property and protected market sensitive/competitive data

(Protected under Civ. Code §§ 3426 *et seq.*; Govt Code §§ 6254, *et seq.*, e.g., 6254(e), 6254(k), 6254.15; Govt. Code § 6276.44; Evid. Code §1060; D.11-01-036)

Corporate financial records

(Protected under Govt Code §§ 6254(k), 6254.15)

Third-Party information subject to non-disclosure or confidentiality agreements

(Protected under Govt. Code § 6254(k); *see, e.g.*, CPUC D.11-01-036)

Other categories where disclosure would be against the public interest (Govt. Code § 6255(a)):

5. The importance of maintaining the confidentiality of this information outweighs any public interest in disclosure of this information. This information should be exempt from the public disclosure requirements under the Public Records Act and should be withheld from disclosure.
6. I declare under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.
7. Executed on this 2nd day of November, 2022 at San Ramon, California.

**William
Hilton III** Digitally signed by
William Hilton III
Date: 2022.11.02
07:53:57 -07'00'

William Hilton III,
Senior Compliance Specialist, Gas Operations Support
Pacific Gas and Electric Company

ATTACHMENT B

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

Order Instituting Rulemaking to Establish Policies, Processes, and Rules to Ensure Safe and Reliable Gas Systems in California and Perform Long-Term Gas System Planning.

R.20-01-007
(Filed January 16, 2020)

**[PROPOSED] ADMINISTRATIVE LAW JUDGE’S RULING GRANTING
MOTION OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 G) FOR LEAVE
TO FILE UNDER SEAL CONFIDENTIAL MATERIALS FILED IN RESPONSE TO
ADMINISTRATIVE LAW JUDGE’S RULING SEEKING REVISED DATA FROM
CALIFORNIA’S GAS UTILITIES**

In accordance with its Rules of Practice and Procedure, the California Public Utilities Commission (“Commission”) has considered the motion of Pacific Gas and Electric Company (“PG&E”), filed November 4, 2022, for leave to file under seal confidential materials filed in response to the Administrative Law Judge’s Ruling Seeking Revised Data from California’s Gas Utilities, issued on September 21, 2022 (“Motion”), namely a confidential, unredacted version of PG&E’s response. The Commission rules as follows:

1. PG&E’s Motion is granted. The information that PG&E seeks to protect pursuant to its Motion is properly treated as confidential pursuant to California Public Utilities Code Section 8380(e)(1) and Commission Decisions (D.) 11-07-046 and D.14-05-016, and the Administrative Law Judge’s Ruling on Gas Utilities’ Confidentiality Claims Concerning Customer Gas Consumption and Infrastructure Data and Order Requiring Resubmission of Data, issued on October 28, 2022.
2. The confidential version of this information shall remain under seal and shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned

Administrative Law Judge (“ALJ”), or the ALJ then designated as Law and Motion judge.

Dated _____, 2022 at San Francisco, California.

Administrative Law Judge