

Application of San Diego Gas & Electric Company  
(U 902 E) for Approval of the Demand Response Contract  
with EnerNOC, Inc.

Application 09-03-012  
(Filed March 6, 2009)

**SUPPLEMENTAL ATTACHMENT 12 TO RFO TEMPLATE IN SUPPORT OF  
APPLICATION TO APPROVE ENERNOC AGREEMENT**

PUBLIC VERSION

**JULY 9, 2009**

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

AMENDED AND RESTATED AGREEMENT  
BETWEEN SDG&E AND ENERNOC IS  
CONFIDENTIAL PURSUANT TO P.U. CODE  
583, 454(g),  
GO 66-C AND D.06-06-066

DECLARATION OF  
GUILLERMO VALDIVIESO

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

**DECLARATION  
OF GUILLERMO VALDIVIESO**

I, Guillermo Valdivieso, do declare as follows:

1. I am a Senior Energy Programs Advisor for San Diego Gas and Electric Company (“SDG&E”). I am sponsoring Supplemental Attachment 12 to the RFO Template in support of SDG&E’s Amended Application for Approval of the EnerNOC Demand Response Capacity Delivery Agreement (“Attachment”), filed with the California Public Utilities Commission on July 9, 2009. Additionally, as a Senior Energy Programs Advisor, I am thoroughly familiar with the facts and representations in this declaration and if called upon to testify I could and would testify to the following based upon personal knowledge.

2. I am providing this Declaration to demonstrate that the confidential information (“Protected Information”) being provided in this Attachment falls within the scope of data provided confidential treatment in the IOU Matrix (“Matrix”) attached to D.06-06-066 (the Phase I Confidentiality decision). Pursuant to the procedure described in D.08-04-023 for “Prepared Testimony Served but Not Yet Offered in Evidence” in a formal proceeding, I am addressing each of the following five features of Ordering Paragraph 2 of D.06-06-066:

- That the material constitutes a particular type of data listed in the Matrix,
- The category or categories in the Matrix the data correspond to,
- That SDG&E is complying with the limitations on confidentiality specified in the Matrix for that type of data,
- That the information is not already public, and
- That the data cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure.

3. The confidential information contained in the Attachment constitutes material, market sensitive, electric procurement-related information that is within the scope of Section 454.5(g) of the Public Utilities Code.<sup>1</sup> As such, the Protected Information provided by SDG&E is allowed confidential treatment in accordance with Appendix I -- IOU Matrix in D.06.06.066. The Attachment contains Protected Information under Matrix category VII.B (Contracts and power purchase agreements between utilities and non-affiliated third parties (except RPS)). This data is confidential for three years after the winning bidders are selected, which SDG&E interprets to mean three years from the date of filing its Application.

4. I am not aware of any instances where the Protected Information has been disclosed to the public. While SDG&E provided a contract summary in the original Application (A.09-03-012), to SDG&E's knowledge, no party, including SDG&E, has publicly revealed any of the Protected Information.

5. SDG&E will comply with the limitations on confidentiality specified in the Matrix for the type of data that is provided herewith.

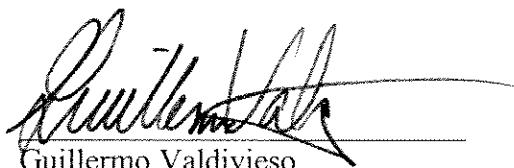
6. The Protected Information cannot be provided in a form that is aggregated, partially redacted, summarized, masked or otherwise protected in a manner that would allow further disclosure of the data while still protecting confidential information. Pursuant to D.06-06-066, SDG&E has already made the required contract summary information public in its original Application and supporting Testimony and Exhibits. The specific price and payment terms cannot be aggregated because this data is specific to each individual agreement. In the future, SDG&E anticipates that the contract costs will be aggregated along with SDG&E's other Demand Response contracts in filings before this Commission and other regulatory agencies and commissions. Such aggregation would have the effect of masking the contract costs so that they would continue to be protected. To the extent that SDG&E has made public the contract summary as discussed in D.06-06-066, SDG&E believes that such summary can properly be viewed as partial disclosure.

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<sup>1</sup> In addition to the details addressed herein, SDG&E believes that the information being furnished in the Attachment is governed by Public Utilities Code Section 583 and General Order 66-C. Accordingly, SDG&E seeks confidential treatment of this data under those provisions as applicable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of July, 2009, at San Diego, California.

A handwritten signature in black ink, appearing to read "Guillermo Valdivieso", written over a horizontal line.

Guillermo Valdivieso  
Senior Energy Programs Advisor  
San Diego Gas & Electric Company