

<b>DOCKETED</b>	
<b>Docket Number:</b>	25-PSDP-01
<b>Project Title:</b>	Power Source Disclosure Program - 2024
<b>TN #:</b>	263639
<b>Document Title:</b>	Calpine PowerAmerica-CA, LLC - Application for Confidentiality (2024 PSD Report)
<b>Description:</b>	Application of Calpine PowerAmerica-CA, LLC for Confidential Designation of Information Contained in its 2024 Power Source Disclosure Annual Report
<b>Filer:</b>	Kimberley Chan
<b>Organization:</b>	Davis Wright Tremaine LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	6/2/2025 3:42:08 PM
<b>Docketed Date:</b>	6/2/2025

June 2, 2025

Mr. Drew Bohan  
Executive Director  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

**Subject: Application of Calpine PowerAmerica–CA, LLC for Confidential Designation of Information Contained in its 2024 Power Source Disclosure Annual Report**

Dear Mr. Bohan,

Calpine PowerAmerica – CA, LLC (“CPA”) requests that certain information included as part of its 2024 Power Source Disclosure Annual Report (“PSD Report”), submitted on June 2, 2025, be designated confidential pursuant to Title 20 Cal. Code. Regs. § 2505 *et seq* and Form CEC-13.

In support of its application for confidentiality designation, CPA provides the following information:

**1. Contact Information (CEC-13, Sec. D.1)**

Applicant Name: Calpine PowerAmerica-CA, LLC  
Phone Number: 713-830-8362  
E-mail: jason.armenta@calpine.com  
Proceeding Name: Power Source Disclosure Program - 2024  
Docket Number: 25-PSDP-01

All correspondence regarding this filing should be sent by letter and transmitted electronically to the attention of:

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**2. Title, date, and description (including number of pages) of the information or data for which you request confidential designation. (20 CCR 1208.1.)**

2024 Calpine PowerAmerica-CA, LLC’s Power Source Disclosure Annual Report.

CPA requests that the information regarding CPA's total retail sales and customer information be kept confidential, and not publicly disclosed. This data is located in the Annual Data and Unbundled REC Worksheet worksheets of the PSD Report.

**3. Specify the part(s) of the information or data for which you request confidential designation. (If the data is in charts or spreadsheets, highlighting is sufficient.) (20 CCR 2505(a)(1)(B.))**

CPA seeks confidential treatment of certain designated portions of its PSD Report that relate to CPA's total retail sales (or from which CPA's total retail sales can be derived). Specifically, CPA requests confidential treatment of the following cells that have been redacted in the public version of the PSD Report:

- Annual Data, Cell A40 (Customer Information)
- Annual Data, Cell O23 (Retail Sales)
- Annual Data, Cell F40 (Customer Information)
- Annual Data, Cell Y40 (Customer Information)
- Annual Data, Cell Z2 (Retail Sales)
- Annual Data, Cell O24 (Data Used to Derive Retail Sales)
- Annual Data, Cells Z16, Z17, Z18 (Data Used to Derive Retail Sales)
- Annual Data, Cells AA5 and AA7 (Data Used to Derive Retail Sales)
- Annual Data, Cells AA17 and AA21 (Data Used to Derive Retail Sales)
- Unbundled REC Worksheet, Cell A9 (Customer Information)

**4. State and justify the length of time the CEC should keep the information or data confidential. The term requested must be relevant to the stated basis for confidentiality. (20 CCR 2505(a)(1)(C.))**

CPA requests that the information regarding CPA's total retail sales be kept confidential, and not publicly disclosed, for a period no less than one (1) year. Protecting this information from public disclosure for one year is consistent with the confidentiality protection given to this type of information by the California Public Utilities Commission ("CPUC").<sup>1</sup> CPA only serves a small number of customers; thus customer-specific consumption data would be revealed if the requested information was not afforded confidential treatment.

**5. State the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explain why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 CCR (a)(1)(D.))**

The designated information is market sensitive information that constitutes a trade secret under California law. Pursuant to Gov. Code § 7924.510(c), trade secret information is information that (1) is not patented, (2) is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value (3) gives its user an opportunity to obtain a business advantage over

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<sup>1</sup> See CPUC Decision 06-06-066, as modified by Decision 21-11-029, Attachment A, Appendix 2(I)(A).

competitors who do not know or use it. CPA's retail sales information is not patented and is known only to CPA. It cannot be legitimately acquired or duplicated by others. If it is not protected from disclosure, information which can be used to calculate CPA's total retail sales would allow sellers of power to know how much capacity CPA needs (*i.e.*, CPA's RPS "net short" position). Sellers of power could then use this information to "manipulate the market," resulting in CPA and its retail customers paying more for power.<sup>2</sup> There is no offsetting public interest benefit from public disclosure of this data. For these reasons, CPA has taken steps to maintain the secrecy of this information. Under the California Public Records Act ("PRA"), Gov. Code § 7930.205, records subject to the privileges established in the Evidence Code are not required to be disclosed. Evidence Code § 1060 *et seq.* provides a privilege for trade secrets.<sup>3</sup>

Additionally, the information CPA is seeking to protect is not only market-sensitive information but also individual customer load data. Because CPA only serves two large customers, the designated information contains customer-specific information. Public dissemination of private, customer-specific data would infringe on the customers' privacy interests and would not serve the public interest.<sup>4</sup>

Finally, Gov't Code § 7922.000 also permits public agencies to withhold any public record where "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." As discussed above, the disclosure of information which can be used to calculate CPA's total retail sales could lead to increased costs to CPA and its customers, and would release private customer-specific data. This potential harm is not outweighed by any potential public interest in the information being disclosed.

6. **If the applicant believes that the information or data should not be disclosed because it contains trade secrets or its disclosure would otherwise cause a loss of a competitive advantage, the application also shall state: (20 CCR (a)(1)(D.)) (a) the specific nature of that advantage, (b) how the advantage would be lost, (c) the value of the information to the applicant, and (d) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.**

CPA's retail sales information is not patented and is known only to CPA. It cannot be legitimately acquired or duplicated by others. If it is not protected from disclosure, information which can be used to calculate CPA's total retail sales would allow sellers of power to know how much capacity CPA needs (*i.e.*, CPA's RPS "net short" position). Sellers of power could then use this information to "manipulate the market," resulting in CPA and its retail customers paying more for power.<sup>5</sup> There is no offsetting public interest benefit from public disclosure of this data. For these reasons, CPA has taken steps to maintain the secrecy of this information.

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<sup>2</sup> See CPUC Decision 08-04-023, *mimeo* at 13-14.

<sup>3</sup> See Evidence Code § 1061(a)(1) (citing to Civil Code § 3426.1); *see also* Cal. Civ. Code § 3426.1.

<sup>4</sup> See Cal. Const. art. I, § 1.

<sup>5</sup> See CPUC Decision 08-04-023, *mimeo* at 13-14.

7. **State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions. State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why. (20 CCR 2505(a)(1)(E.))**

The total retail sales information which CPA seeks to protect from disclosure has been redacted as minimally as possible in the “public” version of the PSD Report. This information, however, may be disclosed if it is aggregated with the total retail sales of all other Energy Service Providers or Load Serving Entities, and steps are taken to ensure CPA specific retail sales information cannot be ascertained from the aggregated information.

8. **State how the information or data is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred. (20 CCR 2505(a)(1)(F.))**

CPA does not publicly disclose its total retail sales and related information which can be used to calculate CPA’s total retail sales. This type of information is periodically provided to the CPUC and is protected from public disclosure by the CPUC.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge. The applicant is a corporation, and that I am authorized to make this application and certification on behalf of the applicant.

Dated: June 2, 2025

Calpine PowerAmerica-CA, LLC



Jason Armenta  
VP Power Marketing, Trading West

Attachments