

DOCKETED	
Docket Number:	25-PSDP-01
Project Title:	Power Source Disclosure Program - 2024
TN #:	263637
Document Title:	3 Phases Renewables Inc Application for Confidentiality Designation
Description:	N/A
Filer:	Gregg Klatt
Organization:	Douglass Liddell & Klatt
Submitter Role:	Applicant Representative
Submission Date:	6/2/2025 3:47:18 PM
Docketed Date:	6/2/2025

June 2, 2025

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

Re: Application for Confidential Designation of Power Source Disclosure Program Data

Dear Director Bohan:

Pursuant to Title 20, Section 2505 et seq. of the California Code of Regulations (20 C.C.R. §§ 2505 et seq.), 3 Phases Renewables Inc. (Applicant) hereby requests that the California Energy Commission designate as confidential certain data set forth in Applicant's 2024 Annual Report for the Power Source Disclosure Program (PSDP), as specified below.

1. Contact Information. (20 C.C.R. § 1208.1.)

Name: Gregg Klatt
Phone Number: (626) 802-5733
E-mail: klatt@energyattorney.com
Proceeding Name: Power Source Disclosure Program - 2024
Docket Number: 25-PSDP-01

2. Information or data for which you request confidential designation. (20 C.C.R. § 1208.1.)

Volumetric procurement data (MWh) and greenhouse gas emissions data (MT CO₂e and MT CO₂e/MWh) for the renewable energy procurement listed in Applicant's 2024 PSDP Annual Report.

3. Specific part(s) of the information or data for which you request confidential designation. (20 CCR 2505(a)(1)(B).)

Annual Data: Columns G, H, I, L, M, N, O, P, Q, AA, AB, AF, AG, AK, and AL; and Cells Z3-Z19, AE3-AE19, and AJ3-AJ19.

Unbundled REC Worksheet: Columns E, K and Q.

4. Statement and justification of the length of time the CEC should keep the information or data confidential. (20 C.C.R. § 2505(a)(1)(C).)

Consistent with the confidentiality treatment afforded to Renewables Portfolio Standard (RPS) procurement data and GHG emissions data by the California Public Utilities Commission (CPUC) under Decision (D.) 06-06-066, as modified by D.08-04-023 and

D.21-11-029, and with prior Energy Commission confidentiality designations for the same type of data reported by Applicant in previous years under the PSDP's regulations, Applicant requests that the Commission preserve the confidentiality of the subject data for the remainder of the current calendar year, i.e., through December 31, 2025.

5. Statement of the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explanation why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 C.C.R. § 2505(a)(1)(D).)

The subject data contains trade secrets or otherwise commercially sensitive information that is exempt from public disclosure under Government Code § 7930.205 and Evidence Code § 1060 (trade secrets), as well as Government Code § 7922.000 (public interest balancing), and 20 C.C.R. § 2505(a)(1)(D) of the CEC's PSDP regulations provide for such information to be kept confidential upon request.

6. Statement of reasons for why 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. (20 C.C.R. § 2505 (a)(1)(D.))

Public disclosure of the subject data, in combination with Applicant's retail sales data and other publicly available information (e.g., the formulas used to calculate annual RPS requirements and GHG emissions), would enable third parties to calculate, simply and with a reasonable degree of accuracy, Applicant's "net short" RPS compliance position. Wholesale suppliers of RPS-eligible electricity products could then use that information to Applicant's business disadvantage in commercial negotiations, with no offsetting public interest benefit from public disclosure of said data.

7. Statement as to whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions. (20 CCR § 2505(a)(1)(E.))

The subject data can be disclosed to the public without risk of material harm to Applicant if it is first aggregated with the same 2024 data provided by all other electric service providers.

8. Statement of 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. (20 C.C.R. § 2505(a)(1)(F.))

The subject data is kept confidential by Applicant and has not been publicly disclosed as of the date of this application.

I am authorized to submit this application for confidential designation on behalf of Applicant, and I hereby certify under penalty of perjury that the information contained in this application is true, correct, and complete to the best of my knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregg Klatt", with a long horizontal flourish extending to the right.

Gregg Klatt