

DOCKETED	
Docket Number:	25-IEPR-03
Project Title:	Electricity and Gas Demand Forecast
TN #:	264276
Document Title:	Constellation NewEnergy, Inc Repeated Application for Confidential Designation
Description:	N/A
Filer:	Eric Janssen
Organization:	Biering & Brown, LLP
Submitter Role:	Intervenor Representative
Submission Date:	6/16/2025 2:25:46 PM
Docketed Date:	6/16/2025

BIERING & BROWN, LLP

ATTORNEYS AT LAW

2600 Capitol Avenue, Suite 400
Sacramento, CA 95816

Andrew B. Brown
abrown@b2energyllaw.com

June 16, 2025

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

**RE: Repeated Application for Confidential Designation
Constellation NewEnergy, Inc. 2025 IEPR Electricity Demand Forecast
Forms Submission, Docket No. 25-IEPR-03.**

Dear Mr. Bohan:

Constellation NewEnergy, Inc., (“CNE”) respectfully requests protection of certain information provided to the Commission in its accompanying Electricity Demand Forecast Forms submission.

Information submitted to the Energy Commission may be deemed confidential without the need for a new application under California Code of Regulations, Title 20, Sections 2505(a)(1)(G) and 2505(a)(4) if CNE files a certification under penalty of perjury that the new information is substantially similar to the information previously granted confidentiality, and that all the facts and circumstances relevant to confidentiality remain unchanged from the previous submission that was granted confidentiality. By letters dated July 26, 2023 and August 10, 2023 (see Attachment A hereto) you approved CNE’s request for confidential designation for information submitted in CNE’s 2023 IEPR Electricity Demand Forecast submission in Docket 23-IEPR-02 related to Forms 7.1 and 8.1a, respectively.

CNE’s 2025 Electricity Demand Forecast Forms 7.1 and 8.1a (ESP) submission contains information that is substantially similar to its previously submitted IEPR Electricity Demand Forecast Forms noted above and information and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

Specifically, CNE requests that the following information, as also indicated by the yellow pattern cells on the accompanying Excel workbook remain confidential through December 31, 2028:

Form	Information to be held confidential
2025 IEPR Electricity Demand Forecast Form 7.1: ESP Report of Loads and Resources Under Contract	All data corresponding to Years 2024-2028, cells C11:D15, F11:F15, H11:I15, K11:K15, M11:N15, P11:P15 (cells are highlighted yellow on Form 7.1.).
2025 IEPR Electricity Demand Forecast Form 8.1a (ESP): Estimated Power-Supply Costs	All data corresponding to Years 2024-2028, cells C9:G10, and C12:G12 (cells are highlighted yellow on Form 8.1a (ESP))

I certify under penalty of perjury that the information contained in this repeated application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make this repeated application and certification on behalf of Constellation NewEnergy, Inc.

Please feel free to contact me at (916) 447-2166 should you or Staff have any questions or require additional information regarding this Repeated Application. Thank you for your consideration of our request.

Sincerely,



Andrew B. Brown
Biering & Brown, LLP
Attorneys for Constellation NewEnergy, Inc.

Submitted via Confidential e-filing.

ATTACHMENT A

California Energy Commission July 26, 2023 Letter Granting
Constellation NewEnergy, Inc.'s Repeated Application For Confidential Designation for Data in
Integrated Energy Policy Report (Form 7.1)
(Docket No. 23-IEPR-02)

and

California Energy Commission August 10, 2023 Letter Granting
Constellation NewEnergy, Inc.'s Application For Confidential Designation for Data in Integrated
Energy Policy Report (Form 8.1a)
(Docket No. 23-IEPR-02)

DOCKETED	
Docket Number:	23-IEPR-02
Project Title:	Electricity Resource Plans
TN #:	251181
Document Title:	CEC's Response Letter to Constellation NewEnergy Inc - Application June 29, 2023
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/26/2023 2:23:44 PM
Docketed Date:	7/26/2023



July 26, 2023

Via email

Jessica Melms
Ellison Schneider Harris & Donlan LLP
Attorneys for Constellation NewEnergy, Inc.
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Sacramento, California 95816
jmelms@eslawfirm.com

**Repeated Application for Confidential Designation for Data in
Integrated Energy Policy Report
Docket No. 23-IEPR-02**

Dear Jessica Melms:

The California Energy Commission (CEC) has received Constellation NewEnergy Inc.'s (applicant) Repeated Application for Confidentiality (TN 250838) dated June 29, 2023, covering the following data:

- Electricity Demand Forecast Form 7.1: All data corresponding to years 2022-2026, cells C11:D15, F11:F15, H11:I15, K11:K15, M11:N15, P11:P15.

The applicant states that such data, highlighted in the spreadsheet, should be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application and that the data should be confidential until December 31, 2026, consistent with the length of time previously granted.

California Code of Regulations, title 20, section 2505(a)(4) provides: Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC pursuant to section 2508, or for which an application for confidential designation was granted by the executive director pursuant to 2505(a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has attested under penalty of perjury that the information contained in this application is substantially similar to information previously deemed confidential in 2017 by the CEC under section 2505(a)(3)(A).

Therefore, the CEC designates the above-described information as confidential for the requested term of three years, consistent with the length of time previously granted. Data may be disclosed if aggregated with data from other load serving entities.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Drew Bohan', with a stylized, sweeping underline.

Drew Bohan
Executive Director

DOCKETED	
Docket Number:	23-IEPR-02
Project Title:	Electricity Resource Plans
TN #:	251580
Document Title:	CEC response to the Constellation NewEnergy Inc's Application for Confidentiality filed July 31, 2023
Description:	N/A
Filer:	Pam Fredieu
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/10/2023 2:43:07 PM
Docketed Date:	8/10/2023



August 10, 2023

Via email

Andrew B. Brown
Ellison Schneider Harris & Donlan LLP
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abb@eslawfirm.com

**Application for Confidential Designation for Data in Integrated Energy
Policy Report
Docket No. 23-IEPR-02**

Dear Andrew B. Brown:

The California Energy Commission (CEC) has received Constellation NewEnergy Inc.'s (applicant) Application for Confidentiality docketed July 31, 2023, (TN 251403) covering the following data:

- 2023 IEPR Electricity Demand Forecast Form 8.1a (ESP): Estimated Power-Supply Costs – All data corresponding to years 2023-2026, cells D9:G10, and D12:G12

The applicant states that such data should be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application and that the data should be confidential through December 31, 2026.

California Code of Regulations, title 20, section 2505(a)(4) provides: Information that has previously received confidential designation under section 2508 or section 2505(a)(3)(A) may receive confidential designation if the application contains a certification, under penalty of perjury, that the information submitted is substantially similar to the information that previously received confidential designation, and that the facts and circumstances of that designation remain unchanged. An application meeting these criteria will be approved.

The applicant has attested under penalty of perjury that the information contained in this application is substantially similar to information previously deemed confidential by the CEC under section 2505(a)(3)(A). Substantially similar information was deemed confidential by the CEC on August 5, 2021, in response letter TN 240255, docket No. 21-IEPR-03.

Therefore, the CEC designates the above-described information as confidential through December 31, 2026. This confidentiality duration is consistent with the

three-year period previously granted in TN 240255. Data may be disclosed if aggregated with data from other load-serving entities.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

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Drew Bohan
Executive Director