

DOCKETED	
Docket Number:	23-LMS-01
Project Title:	Load Management Standards Implementation
TN #:	266027
Document Title:	SVCE Confidentiality Application for Revised LMS Plan
Description:	N/A
Filer:	Justin Wynne
Organization:	Braun Blaising & Wynne
Submitter Role:	Applicant Representative
Submission Date:	9/16/2025 12:47:22 PM
Docketed Date:	9/16/2025

September 16, 2025

Drew Bohan
Executive Director
Docket No. 23-LMS-01, Load Management Standards Compliance Plan
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Application of Silicon Valley Clean Energy Authority for Confidential Designation of Information Contained in its Revised 2024 Load Management Standards Compliance Plan

Dear Mr. Bohan,

Silicon Valley Clean Energy Authority (“SVCE”) requests the California Energy Commission (“Commission”) designate information included in its Revised 2024 Load Management Standards Compliance Plan (“LMS Plan”) as confidential pursuant to Title 20, Cal. Code. Regs. (“CCR”), Section 2505 et seq. and the justifications set forth below. In accordance with the Commission’s *Load Management Standards Compliance Timeline*, SVCE provides the following information in support of its application for confidentiality designation.

Contact Information

Applicant Name: Silicon Valley Clean Energy Authority
Phone Number: (408) 716-4745
Email: maren.wenzel@svcleanenergy.org
Address: 333 W. El Camino Real, Suite 330,
Sunnyvale, CA 94087
Proceeding Name: Load Management Standards Implementation
Docket Number: 23-LMS-01

All correspondence regarding this filing should be directed by electronic mail to the attention of:

Maren Wenzel
Director of Regulatory, Policy and Planning Silicon Valley Clean Energy Authority
maren.wenzel@svcleanenergy.org

Description and Identification of Confidential Information

For docket number 23-LMS-01, SVCE seeks confidential treatment for specific information related to current contracted load supply, estimated load impacts, actual costs, projected costs, and projected revenues provided in the LMS Plan. Specifically, SVCE seeks confidential treatment for the following information:

- Section III. Rates and Programs to Support Load Management Goals, A. Existing Rates: Section III.A. includes a table that provides SVCE's monthly total load across all TOU rate classes.
- Section VII. Results, A. Cost Effectiveness: Section VII.A. provides the projected implementation costs, cost savings, and reduction in load associated transitioning to real time pricing.
- Section VII. Results, C. Technological Feasibility Evaluation: Section VII.C. provides the cost of utilizing Pacific Gas and Electric Company's Price Machine.
- Section VIII. Marginal Cost Rates Implementation: Section VIII includes SVCE's costs to implement real time pricing.

Length of Time the Information Should Be Kept Confidential

SVCE requests that the Commission keep SVCE's information confidential and protected from public disclosure for a period of three (3) years, until September 16, 2028. This length of time is needed to ensure that SVCE's current contracted load supply, estimated load impacts, actual costs, projected costs, and projected revenues in its LMS Plan remains secure from market participants that could make competitive use of this information to the detriment of SVCE, SVCE's ratepayers, and the electricity market as a whole. Further, this length of time is consistent with how the Commission has treated similar information.¹

Provisions of Law Allowing the Commission to Keep the Documentation Confidential

SVCE seeks confidentiality for the LMS Plan on the following bases:

- A. Previous Confidentiality. Under the CCR, Title 20, Section 2505(a)(4), information submitted to the Commission can be deemed confidential without the need for a new application so long as the new information is substantially similar to information previously granted confidentiality. The Commission granted SVCE's previous confidentiality application requesting confidential treatment for its 2024 Load Management Standards Compliance Plan, as provided in *Application of Silicon Valley Clean Energy Authority for Confidential Designation of Information Contained in its Revised 2024 Load Management Standards Compliance Plan*, submitted on April 1, 2024. SVCE's application for confidential designation was granted by the Executive Director on May 7, 2024. The information requested in this Application is the same as the information protected in 23-LMS-01, and should be similarly protected.²

¹ See 21-IEPR-03, *CEC's Response Letter to Silicon Valley Clean Energy Authority - Application June 30, 2023*, Docket 23-IEPR-02 (Jul. 27, 2023) (TN#: 251201).

² See 23-LMS-01, *CEC Response Letter to Silicon Valley Clean Energy Authority's confidentiality application, dated April 1, 2024 – 5-7-24* (May 7, 2024) (TN#:256217).

B. Trade Secret. The Public Records Act exempts “trade secrets” from public disclosure, including “any formula, plan, ... production data, or compilation of information ..., which 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 ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Gov. Code § 7924.510; see also, §§ 7927.705, and 7927.605). The Public Records Act also exempts records from public disclosure if the public interest in nondisclosure clearly outweighs the public interest in disclosure (Gov. Code § Section 7922.000). The CEC’s regulations provide for information to be designated as confidential if it “contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage.” (20 CRR § 2505(a)(1)(D)). Consistent with the requirements of 20 CRR § 2505(a)(1)(D), SVCE provides the following responses:

(1) The specific nature of the advantage

Section III.A., Section VII.A, Section VII.C., and Section VIII include SVCE’s projected customer load, actual program costs, projected program costs, and projected revenues. This information could be used by other entities providing load service that are seeking to provide more competitive prices to SVCE’s customers. Similarly, this information could be used by bidders in any future SVCE solicitation for services or products where this information could provide a competitive advantage in pricing the bids or proposed product offering. This information would give potential suppliers and competitors an advantage that could result in increased costs and direct financial harm to SVCE and its customers.

(2) How the advantage would be lost

If the program performance and cost information included in Section III.A., Section VII.A, Section VII.C., and Section VIII was publicly disclosed, SVCE would have a reduced competitive advantage in solicitations for services and products, and would have a reduced competitive advantage in keeping current customers and attracting new customers.

(3) The value of the information to the applicant

This information is not publicly available but is necessary for SVCE’s business operations. Gathering and analyzing this data provide significant value to SVCE in developing and selecting programs that are cost effective and can carry out SVCE’s mission.

(4) The ease or difficulty with which the information could be legitimately acquired or duplicated by others

This information is derived using information that only SVCE has access to. There is no other source for this information and this information could not be derived through any analysis of publicly available data.

SVCE considers this information to be market sensitive and trade secrets, as public disclosure of this information could compromise SVCE's competitive position in the electricity market and would likely result in higher costs for SVCE's customers.

- C. Public Entity Designation. SVCE asserts confidentiality under Section 2505(b) as a local agency which possesses information pertinent to the responsibilities of the Commission that has been designated by SVCE as confidential under the Public Records Act. The Commission has previously recognized SVCE's claim of confidentiality under Section 2505(b), and should do so here.³
- D. Balancing Tests. Even if the above justification was not available, the information should be protected under California Government Code, Section 7922.000, which permits protection of information where the public interest in nondisclosure clearly outweighs the public interest in disclosure. The confidential information in Section III.A., Section VII.A, Section VII.C., and Section VIII is highly commercially sensitive, not publicly known, and if revealed could cause significant harm to load serving entities, like SVCE. Such information, if disclosed, would reveal projected customer load, actual program costs, projected program costs, and projected revenues. The disclosure of this information could impact the energy and capacity markets in California and could increase the costs of implementing the programs described in the LMS Plan. The public does not have a meaningful interest in reviewing this information in a disaggregated form, and disclosure may impact the energy and capacity market causing public harm.

Disclosure in an Aggregated Form

The data in question can be disclosed if it is aggregated with load and cost information at a level that does not permit SVCE's confidential information to be derived from the aggregated data.

The Submitted Information Is Presently Confidential

SVCE does not publicly disclose its current contracted load supply, estimated load impacts, actual costs, projected costs, or projected revenues, which is information provided in the LMS Plan. SVCE considers such information market sensitive, as public disclosure of this information could compromise SVCE's competitive position in the electricity market.

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. I also certify that as a community choice aggregator, SVCE is a local government agency, and I am authorized to make the application and certification on behalf of SVCE.

³ See 22-IEPR-03, *CEC Response Letter to Silicon Valley Clean Energy's Application for Confidentiality* – 9-9-22 (December 2, 2022) (TN#:247895).

Dated: September 16, 2025

/s/ Maren Wenzel

Maren Wenzel
Director of Regulatory, Policy and Planning
Silicon Valley Clean Energy Authority
maren.wenzel@svcleanenergy.org