

DOCKETED	
Docket Number:	13-ATTCP-01
Project Title:	Acceptance and Training Certification
TN #:	266031
Document Title:	CEC Response to Refrigeration Service Engineer Society's Application for Confidentiality
Description:	Response to (TN #265789), filed with the CEC on August 27, 2025.
Filer:	Marianna Brewer
Organization:	California Energy Commission
Submitter Role:	Energy Commission
Submission Date:	9/16/2025 5:20:03 PM
Docketed Date:	9/16/2025



September 16, 2025

Via Email

Lori Schiavo
Senior Director of Operations
Refrigeration Service Engineer Society
PO Box 248
Arlington Heights, IL 60006-0248
lschiavo@rses.org

**Application for Confidential Designation – Acceptance Test Technician
Certification Provider for Nonresidential Mechanical Acceptance Test
Technician and Employer
Docket No: 13-ATTCP-01**

Dear Lori Schiavo:

The California Energy Commission (CEC) has received Refrigeration Service Engineers Society's (RSES or applicant) application for confidential designation docketed August 27, 2025 (TN #265789), 2025 Update Report, for the following:

- NRCA-MCH-02A-19A Acceptance Testing/Post Training Exam
- NRCA-MCH-20a, b, c, d-H Acceptance Testing/Exam Answers
- NRCA-MCH-20a, b, c, d-H Acceptance Testing/Post Training Exam
- NRCA-MCH-21-H Acceptance Testing/ Exam Answers
- NRCA-MCH-22-A Acceptance Testing/Exam Answers
- NRCA-MCH-23-A Acceptance Testing/Exam Answers
- NRCA-MCH-24-A Acceptance Testing/Exam Answers

The document in its entirety consists of proprietary materials considered a trade secret. Further, the application states that the release of portions of the materials is limited to confidential recipients. The materials are technician certification prequalification exams and answers, submitted in PDF form. The application requests confidentiality until December 31, 2025.

A properly filed Application for Confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the California Energy Commission to keep the record confidential." The California Public Records Act allows for the non-disclosure of trade secrets. (Gov. Code section 7927.705 (formerly section 6254(k); Evid. Code section 1060.)

Civil Code section 3426.1(d) defines “trade secret” as:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that: 1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and 2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(Civ. Code section 3426.1(d); See also Gov. Code sections 7927.705; Evid. Code section 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

California Code of Regulations, title 20, section 2505(a)(1)(D), further states that if an applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, or its disclosure would otherwise cause loss of a competitive advantage, an application shall state: 1) the specific nature of the advantage; 2) how the advantage would be lost; 3) the value of the information to an applicant; and 4) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The application addresses each of these four requirements by stating:

The specific nature of the advantage – The submission details that RSES is only one of three ATTCP’s producing this type of certification/training for the state of California.

How the advantage would be lost – The advantage would be lost if competitors obtained RSES’s proprietary training materials, knew the structure of RSES’s training and used or copied these materials to create similar courses in direct competition with RSES.

The value of the information to the applicant – At present, there is no monetary value but based on past trainings it is estimated that materials could value around \$40,000 or more.

The ease or difficulty with which the information could be legitimately acquired or duplicated by others – The material has not been released to the public and it would be very difficult for it to be acquired or duplicated.

The applicant has made a reasonable claim that the document contains trade secrets, as defined, and that the Public Records Act authorizes the CEC to keep the record confidential pursuant to California Code of Regulations, title 20, section 2505(a)(3)(A).

Executive Director’s Determination

For the reasons stated, the applicant’s confidentiality application is granted. The information subject to this confidentiality designation will be kept confidential until the applicant’s Acceptance Test Technician Certification Program ends. The confidential designation will terminate after December 31, 2025.

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 confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in the California Code of Regulations, title 20, sections 2506-2508.

You may request confidentiality for similar data in a future annual report without applying by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have any procedural questions concerning this application for confidential designation, please email confidentialityapplication@energy.ca.gov

Sincerely,



Drew Bohan
Executive Director