

**DOCKETED**

<b>Docket Number:</b>	25-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	267252
<b>Document Title:</b>	SJCE Application for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Alicia Zaloga
<b>Organization:</b>	EQ Research LLC
<b>Submitter Role:</b>	Other Interested Person
<b>Submission Date:</b>	11/14/2025 2:37:12 PM
<b>Docketed Date:</b>	11/14/2025



## APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

**All confidential filings:** Individual documents may not exceed 30 MB<sup>1</sup> or be password protected.<sup>2</sup> The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: docket@energy.ca.gov.

**Existing proceedings:** Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled “**Submit e-filing.**” Alternatively, go to: <http://www.energy.ca.gov/e-filing/index.html>. Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

**Filings not associated with any proceeding:** Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and “Confidential.” (§ 1208.1)

### TO: Energy Commission Docket Unit

Applicant:

Address:

Phone and E-mail:

Proceeding or Project Name:

Docket Number:

1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

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1(b). Specify the part(s) of the information or data for which you request confidential designation.

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<sup>1</sup> Contact the Docket Unit if you cannot reduce the size of your file.

<sup>2</sup> If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..

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2. State and justify the length of time the Energy Commission should keep the information or data confidential.

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3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

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3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

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the information contained in these documents, SJCE

would be greatly impaired in its ability to contract with developers, harming its ability to provide cost-effective services to its customers.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

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5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

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

Dated: \_\_\_\_\_

Signed: *Heather Dauler* \_\_\_\_\_



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

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Name (print or type): \_\_\_\_\_

Title: (print or type) \_\_\_\_\_

Representing: \_\_\_\_\_

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.

Attachment 1

November 14, 2025

Drew Bohan, Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814

RE: **Docket No. 25-IEPR-02 – Electricity Resource Plans**

Application of City of San Jose, administrator of San Jose Clean Energy for Confidential Designation of Information Contained in its 2025 Integrated Energy Policy Report Electricity Resource Plan Forms.

Director Bohan,

The City of San Jose, administrator of San Jose Clean Energy (“SJCE”) requests that certain information included in its completed 2025 Integrated Energy Policy Report (“IEPR”) Electricity Resource Planning Forms (Form S-1, Form S-2, Form S-2A and Form S-5) being submitted to the California Energy Commission (“CEC”) be designated confidential pursuant to Title 20, Cal. Code. Regs., Section 2505 et seq.

In accordance with the CEC’s *Forms and Instructions for Submitting Electricity Resource Plans Prepared in Support of the 2026 Integrated Energy Policy Report Update*, SJCE is providing the following information in support of its application for confidentiality designation.

**Contact Information**

Applicant: City of San Jose, administrator of San Jose Clean Energy  
Address: 200 E. Santa Clara Street  
San Jose, California 95113

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

Taylor Knecht  
Regulatory Compliance & Policy Manager  
City of San Jose, administrator of San Jose Clean Energy  
Taylor.Knecht@sanjoseca.gov

**Description and Identification of Confidential Information**

SJCE seeks confidential treatment of information regarding its noncoincident peak load forecast provided on Form S-1 in cells I11:R11, I19:R19, I21:R22, I25:R25. SJCE also seeks confidential treatment of capacity and energy supply for contracts provided in Form S-2 in cells H335:L338, R32:AA32, R34:AA353, R357:AA357, R359:AA532, R541:AA541, R543:AA543,

R546:AA548, R551:AA551, AE32:AN32, AE34:AN353, AE357:AN357, AE359:AN532, AE541:AN541, AE543:AN543, AE546:AN548, and monthly capacity and energy forecast supply data in Form S-2A in cells G10:DV85. In addition, SJCE seeks confidential treatment of contracted capacity information and confidential information on in-development resources listed in cells G26, G28:G34, I9:I37, I40:I85, L28:L30, and L80:L81 on Form S-5. The information subject to SJCE's confidentiality application has been highlighted in yellow cell-fill in SJCE's confidential Form S-1, Form S-2, Form S-2A, and Form S-5 submission.

### **Length of Time the Information Should be Kept Confidential**

SJCE requests that the confidential information described in the previous section be kept confidential for a period of three (3) years. This length of time is needed to ensure that SJCE's detailed contract information and near-term open positions remain secure from market participants who could otherwise make competitive use of this information to the detriment of SJCE, its customers, and the electricity market as a whole.

### **Justification for Request of Confidential Treatment**

An application for confidentiality shall be granted when an applicant makes a reasonable claim that the Public Records Act or other source of law authorizes the CEC to keep records confidential (Cal. Code Regs., tit. 20, § 2505(a)(3)(A)). The Public Records Act exempts disclosure of records that are subject to provisions of the Evidence Code relating to privilege (Cal. Gov't Code § 7927.705). These privileged records include those containing "trade secrets" and allows the owner of a trade secret to prevent another from disclosing it (Cal. Evid. Code § 1060). Trade secrets have been defined as "information, including a formula, pattern, compilation, program, device, method, technique, or process, that . . . [d]erives independent economic value, actual or potential, from not being generally known to the public or other persons who can obtain economic value from its disclosure or use." (Cal. Civ. Code § 3426.1; *see also* Gov't Code § 7924.510 and § 7927.605 for similar definitions). 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).)

Forms S-1, S-2, S-2A and S-5 contain confidential and trade secret information regarding SJCE's resource adequacy position, obligation, forecasts, and projected compliance, as well as its energy demand forecasts. SJCE is a relatively small program as compared to large investor-owned utilities such as Pacific Gas & Electric, and SJCE procures its electricity through a relatively small number of contracts. If provided with marked data on Forms S-1, S-2, S-2A and S-5, other market participants would have insight into SJCE's open portfolio position and resource adequacy obligations, giving suppliers and competitors an advantage and harming SJCE and its customers.

The Public Records Act also exempts records from public disclosure if the public interest in nondisclosure clearly outweighs the public interest in disclosure (Govt. Code § Section 7922.000). Even if SJCE's data is not considered "trade secrets," there is a separate basis for not publicly disclosing SJCE's confidential information because the public interest in keeping SJCE's market sensitive and proprietary information confidential outweighs the public interest in making them public. The data inputted in the Electricity Resource Planning forms contains some of SJCE's market sensitive information, including peak load forecast, resource adequacy supply and

commercial contract terms that are not public. SJCE does not publicly disclose its open position with respect to resource adequacy or energy demand. This information included constitutes confidential and market sensitive information which, if released, would put SJCE at a competitive disadvantage vis-à-vis other market participants and, consequently, compromise SJCE's ability to procure resources on terms favorable to its ratepayers. It is in the public interest to withhold such information from disclosure, given the sensitivity of the information and the potential harm that would be caused by its disclosure.

Moreover, some data included in the Electricity Resource Planning forms contain market sensitive and proprietary information about in-development projects that counterparties have shared with SJCE to comply with certain contractual obligations and/or regulatory compliance filings. Accordingly, counterparties require confidentiality over market-sensitive and proprietary information that constitutes trade secrets to conduct business with SJCE. If SJCE were to divulge the information contained in these documents, SJCE would be greatly impaired in its ability to contract with developers, harming SJCE and the SJCE's ability to provide cost-effective services to its customers and procure resources on terms favorable to its ratepayers. It is in the public interest to withhold such information from disclosure, given the sensitivity of the information and the potential harm that would be caused by its disclosure.

### **Declaration**

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 I am authorized to make the application and certification on behalf of SJCE.

Dated: November 14, 2025

*Heather Dauler*

Heather Dauler  
Deputy Director of Regulatory Compliance and Policy  
City of San Jose, administrator of San Jose Clean Energy  
[heather.dauler@sanjoseca.gov](mailto:heather.dauler@sanjoseca.gov)