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Filer:	Claire Huang
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VIA CEC Docket Submittal

November 14, 2025

Drew Bohan, Executive Director
Docket No. 25-IEPR-02
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: CEC Docket No. 25-IEPR-02 Ava Community Energy Application for
Confidentiality for Electricity Resource Plan

Dear Mr. Bohan,

Ava Community Energy ("Ava") hereby submits its application for confidentiality and requests that data provided in Ava's 2025 Integrated Energy Policy Report (IEPR) Electricity Resource Plan ("Ava Resource Plan") be designated as confidential for the time period stated herein, pursuant to Title 20, California Code of Regulations, Section 2505 et seq. for the reasons set forth below.

In accordance with Appendix A to the *Forms and Instructions for Submitting Electricity Resource Plans and Transmission Information*, docketed July 24, 2025 (TN #264986), Ava provides the following information in support of its application for confidentiality.

Contact Information

Applicant Name: Ava Community Energy
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Proceeding Name: Electricity Resource Plans
Docket Number: 25-IEPR-02

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

Claire Huang
Regulatory Analyst II
Ava Community Energy
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1. Description and Identification of Confidential Information

Ava seeks confidential treatment of the yellow-highlighted data in the Ava Resource Plan, as detailed in the following table.

Workbook Tab Name and Cell Range	Description (Columns)
S-1_Requirement 1. I11:R25, I29:R39	1. Ava forecasted peak load and energy demand
S-2_Supply 1. J11:K13, J15:K16, J18:K19, J21:K23, J25:K31, J33:K33, J35:K45, J47:K78, J82:K98 2. P10:AA106 3. AC10:AN106	1. Precise Lat-Long location of supply resources 2. Ava historic (P:Q) and forecasted (R:AA) portfolio resource generation capacity 3. Ava historic (AC:AD) and forecasted (AE:AN) portfolio resource generation energy
S-2A_Addendum Monthly 1. G10:DV97	1. Ava forecasted monthly portfolio capacity and energy data

2. Length of Time the Information Should Be Kept Confidential

Ava requests that the information in S-1 of the Ava Resource Plan described above be maintained confidential for a period of at least three years from its submission in the 25-IEPR-02 Docket, until at least November 14, 2028.

Ava requests that the information in S-2 and S-2A of the Ava Resource Plan described above be maintained confidential until two years after the expiration of supply resource contracts as detailed in form S-5, column H.

This length of time is needed to ensure that Ava's market-sensitive portfolio management strategy remains secure from market participants that could make competitive use of this information to the detriment of Ava, Ava's ratepayers, and the electricity market as a whole.

3(a). Provisions of Law Allowing the Commission to Keep the Documentation Confidential

The Public Records Act exempts records subject to the privileges established in the Evidence Code from being disclosed (Gov't Code § 6254(k)). Evidence Code § 1060 et seq. provides a privilege for trade secrets, which includes information that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure.¹ The information, identified in section 1(b) above, in the Ava Resource Plan is confidential and market-sensitive information, which, if made public, would place Ava at a competitive disadvantage to other LSEs and market participants. Therefore, confidential protection should be provided for this data.

¹ See Evidence Code § 1061(a)(1) (citing to Cal. Civil Code §3426.1); See also Cal. Civ. Code § 3426.1.

Gov't Code § 7922.000 affords confidentiality where the public interest served by nondisclosure outweighs the public interest served by disclosure. Ava's need, from time to time, to transact with energy market participants for various types of products is highly dependent on Ava's recent, current, and expected resource portfolio position. Ava's ability to engage in these transactions would be materially harmed if Ava's detailed load needs and portfolio position were known to market participants. The public interest in nondisclosure of such economic, commercially sensitive information outweighs the public interest in disclosure.

Additionally, federal and state law provide confidential protections for sensitive information provided in the Ava Resource Plan, including but not limited to: Cal. Gov. Code § 7927.705 (Public Records Act ("CPRA") does not require disclosure of records protected by state or federal law), 18 C.F.R. 388.113 (critical energy infrastructure information, including "specific engineering, vulnerability, or detailed design information," exempt from public disclosure, including *precise* electric generation plant location information), 16 U.S.C. 131 (defining "critical infrastructure information"), Cal. Gov. Code § 7922.000 (public interest in not disclosing outweighs interest in disclosing), Cal. Gov. Code § 7927.300 (CPRA does not require disclosure of information relating to utility systems development obtained in confidence), Cal. Evid. Code § 1060 (protection of trade secrets), Cal. Civ. Code § 3426 *et seq.* (protection of trade secrets), *see also* Cal. Pub. Util. Code § 583 (information furnished by public utility cannot be disclosed to the public unless ordered by the Commission); Cal. Const., art. I, § 1 (constitutional right to privacy); *c.f.* CPUC General Order 66-D, CPUC General Order 167, CPUC Decision (D.) 16-08-024, D.17-09-023; D.06-06-066, as modified by D.07-05-032, D.08-04-023, and D.20-07-005 (collectively, "Confidentiality Decisions"), and accompanying Confidentiality Matrices. In the CPUC's Confidentiality Decisions referenced above, the CPUC adopted rules governing the submission of confidential energy procurement and market sensitive information to the CPUC by CCAs.² The Ava Resource Plan contains LSE-specific peak and energy demand information that reveals LSE Total Peak Load Forecast, which is confidential under the CPUC's ESP and CCA Confidentiality Matrix, Section III.B, for the front three years of the forecast data. Public policy weighs in favor of the application of protections at least equivalent if not exceeding those of other California State agencies, otherwise the CPUC's rules would be rendered ineffectual. Ava's peak load and energy demand forecast information is also protected because it is market sensitive, and its release would place Ava at an unfair competitive disadvantage.

3(b). Public Interest in Nondisclosure of Confidential Information

As discussed above, information on Ava's forecasted peak load, energy needs, and portfolio management strategy is market sensitive and its disclosure would place Ava at a competitive disadvantage because market participants will have insight into Ava's capacity and resource adequacy requirements and market strategy. Disclosing Ava's forecasted peak load and energy demand volumes, as well as current and planned resource portfolio position, would provide market participants with sufficient information to determine Ava's market transaction

² D.20-07-005 modified Appendix 2 of D.06-06-066, to apply the Electric Service Provider ("ESP") Matrix to CCAs.

strategies based on recent market transactions. This insight, if disclosed, would undermine Ava's ability to obtain the most competitive costs for our customers.

4. Disclosure in an Aggregated Form

The data in the Ava Resource Plan can be disclosed if aggregated by IOU planning area or with all other CCAs, but not for Ava individually. Masking or redacting all of the highlighted cells referenced in section 1 above would be appropriate.

5. The Submitted Information is Presently Confidential

The data described above is kept confidential by Ava and has not been disclosed publicly. Ava considers such information market sensitive, as public disclosure of this information could compromise Ava'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 I am authorized to make the application and certification on behalf of Ava Community Energy.

/s/ Claire Huang

Claire Huang

Regulatory Analyst II

Ava Community Energy