

DOCKETED	
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December 5, 2025

Via Email

Jonathan Johnson
Golden State Registry
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Newport Beach, California 92660
training@gsregistry.org

**Application for Confidential Designation
Docket Number 25-BSTD-01**

Dear Jonathan Johnson:

The California Energy Commission (CEC) received Golden State Registry's (applicant) applications for confidential designation docketed November 12, 2025 (TN 267151) for Training Documents covering the following data:

- Exhibit T – ECC Rater Training Program Text and Curriculum (2025 Code)
- Exhibits T1 – ECC Rater Training Checklist and Curriculum Cross-Reference (2025 Code)
- Exhibit T2 – Energy Code Compliance (ECC) Rater Agreement (2025 Edition)
- Exhibit T3 – ECC Rater Company Primary Agreement (2025 Edition)
- Exhibit T4 – ECC Rater Company & Primary Rater Training Course (2025)

Golden State Registry requests that the proprietary instructional and administrative materials submitted in support of its 2025 Energy Code Compliance (ECC) Provider Application, including the ECC Rater Training and Oversight Packet ("Training Packet") for Exhibits T through T4 are granted confidentiality for a period of six years or two code cycles, consistent with prior practice. The applicant asserts that the five exhibits contain proprietary intellectual property developed exclusively for provider-level use. The applicant notes that information for which confidential designation is sought is maintained as confidential by the applicant and has only been disclosed to authorized individuals.

Confidentiality Claims

Proprietary Business Information and Trade Secrets

An application for confidential designation shall be granted under the 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 Commission to keep the record confidential.” The executive director’s determination made in response to an application for confidential designation is subject to a reasonableness standard. It is the applicant’s burden to make a reasonable claim for confidentiality based on the California Public Records Act and other applicable laws.

The California Public Records Act allows for the non-disclosure of trade secrets including, among others, those records exempt from disclosure under the Uniform Trade Secrets Act. (Gov. Code, §§ 7927.705(k), 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 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, § 3426.1(d); See also Gov. Code, §§ 7927.705, 7930.005, 7930.205; Evid. Code, § 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

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

Discussion

The applicant addresses the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D) for the Training Documents by stating:

- 1) *The specific nature of the advantage* – The application material includes information regarding the applicant’s internal curriculum structure, field-testing methods, and contractual frameworks developed at significant cost. This information is not publicly available.

- 2) *How the advantage would be lost* – The five exhibits reveal intellectual property developed exclusively for Provider-level use and are not disseminated outside approved Provider channels.
- 3) *The value of the information to the applicant* – Disclosure would cause competitive harm.
- 4) *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The information is not available to the public or other providers.

The applicant has made a reasonable claim that the Training Documents should be maintained as confidential as proprietary and trades secrets.

Executive Director's Determination

For the reasons stated, confidentiality is approved for the Training Documents in Exhibits T through T4. The proprietary information and trade secrets contained in Training Documents will be maintained as confidential for a period of six years, or two additional code cycles.

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 California Code of Regulations, title 20, sections 2506-2508.

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

Sincerely,



Drew Bohan
Executive Director