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CALIFORNIA ENERGY COMMISSION



December 8, 2025

Via Email

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Application for Confidential Designation – Non-Data Center Large Load, Integrated Energy Policy Report Docket No. 25-IEPR-03

Dear Daniel Hashimi:

The California Energy Commission (CEC) has received Pacific Gas and Electric Company's (applicant) Application for Confidentiality docketed November 7, 2025, (TN 267083), covering the following disaggregated data submitted in response to a CEC staff request dated September 9, 2025, for non-data center large load projects:

- Type of load
- Expected energization date
- Load profile
- Load factor and utilization factor, and
- Certainty or confidence level of load materializing

Confidentiality Claims

The applicant requests that the total load data for projects requested be designated confidential indefinitely under California Code of Regulations, title 20, section 2505(a)(5), as commercial customer sector information, and alternatively under Government Code section 7927.410, 6254.16 and section 2505(a)(1)(D) as utility customer usage data, trade secret and proprietary information.

Discussion

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 applicant demonstrated that the information falls within section 2505(a)(5)(B)(1)(a), which includes commercial customer sector information such as customer identifiers, energy consumption, and any other information that could allow a third party to uniquely identify a specific customer. The total load requested data is private unique information

that can be used as individual customer identifiers of energy consumption and demand rate by a third party.

Additionally, Government Code section 7927.410 (formerly section 6254.16) exempts from disclosure utility customer usage data, and the information described above would allow a third party to calculate or determine customer-specific usage data.

The applicant also provided a reasonable claim that the information qualifies as a trade secret under section 2505(a)(1)(D). 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:

1. *The specific nature of the advantage* –The information has independent value to applicant. The applicant claims to derive significant value in the free exchange of information with its customers to be able to respond to their needs and demands and provide utility services to its customers at the lowest cost in the most reasonably effective way.

2. *How the advantage would be lost* – The information has been disclosed directly from customers to applicant with no expectation that that information will be shared publicly. Disclosure would disadvantage the applicant and erode trust with customers, prevent future disclosure of information and likely create unnecessary costs that would result in higher rates and less efficient service for customers. Disclosure would also expose the applicant’s customer relationships and network-planning assumptions, creating a competitive disadvantage both for the applicant in the procurement and interconnection market and for its customers. If competitors, third-party service providers, or market participants obtained this data, they could identify specific customers, estimate future capacity demand, and anticipate the applicant’s system-upgrade timelines. That information could be used to poach customers, undercut pricing structures, or

pre-empt projects. Such use would erode the applicant's contractual leverage in the capacity markets and the trust underlying its treatment of private customer data vis-à-vis its customers.

3. The value of the information to the applicant – The information has considerable commercial value because it enables the applicant to forecast energy capacity impacts, negotiate service arrangements, and plan infrastructure investments for large capacity demand customers. Maintaining confidentiality preserves the applicant's ability to operate efficiently and sustain collaborative relationships with those customers. The applicant's investment in data management, network modeling, and legal agreements reflects significant time and expense that would be undermined by public release.

4. The ease or difficulty with which the information could be legitimately acquired or duplicated by others – The information cannot be duplicated by any third party since it is unique individualized private customer information shared with the applicant. The data reflects individualized total capacity requested for specific customers. The figures reveal the applicant's internal coordination with customers and provide insight into when and how the company plans to meet customer load requests.

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 Determination

Therefore, the CEC designates the above-described information as confidential. This confidentiality designation shall remain in effect indefinitely, consistent with the applicant's certification that the information is subject to nondisclosure obligations and has not been previously released. Data may be disclosed if aggregated with other load-serving entity data such that no specific customer can be identified.

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 records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in California Code of Regulations, title 20, sections 2506–2508.

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

Sincerely,



Drew Bohan
Executive Director