

**DOCKETED**

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December 9, 2025

**Via email**

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**Calpine Energy Solutions, LLC Application for Confidential Designation for Confidential Records and Submittal of Electricity Resource Planning Forms Years 2023-2034**

**Docket No. 25-IEPR-02**

Dear Greg Bass:

The California Energy Commission (CEC) has received Calpine Energy Solutions, LLC's (applicant) Application for Confidentiality filed December 5, 2025 (TN 267837) covering the following data:

- Form S-1: CRATs contains forecasted annual Peak Demand Calculations and annual Capacity Purchases, by utility service territory for the years 2023 through 2024, using 2025 forecasted loads for 2025 forward.
- Form S-2: Energy Balance contains expected annual Energy Demand and annual Bilateral contracted generation by utility service territory for the years 2023 through 2034, using 2025 forecasted loads for 2025 forward.
- Form S-5: Bilateral contracts contains detailed information about Calpine Solutions' physical supply arrangements and bilateral contract information for the years 2023-2024.

The applicant states that the data identified on Forms S-1, S-2, and S-5 should be designated confidential for three years from the application date to protect the confidentiality of proprietary trade secret information. The data may be publicly released if aggregated with other similar data.

**Confidentiality Claims**

An application for confidential designation 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 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, 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 necessary to establish a trade secret claim (Cal. Code Regs., tit. 20, § 2505(a)(1)(D)) for the accompanying information as follows:

- 1) *The specific nature of the advantage* – The information reflects contracts applicant has in place and that contain trade secrets or otherwise commercially sensitive data. Public disclosure of this information would place applicant in a competitive disadvantage.
- 2) *How the advantage would be lost* – Public disclosure of the information could be used by competitors to adjust their business strategies to gain a competitive advantage and thus damage the applicant.
- 3) *The value of the information to the applicant* – The information could be used by applicant's suppliers or customers when negotiating the price and terms of procurement transactions or retail contract terms to the disadvantage of the applicant.

- 4) *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The data is not disclosed publicly and is treated as confidential by the applicant.

The applicant has made a reasonable claim that the submitted information is exempt from disclosure as business proprietary or trade secrets.

#### **Executive Director's Determination**

For the reasons stated above, the applicant's request for confidential designation is granted. as to the information submitted in TN 267837 for a period of three years.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, 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 the California Code of Regulations, title 20, sections 2506 through 2508.

Related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

For more information, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director