

<b>DOCKETED</b>	
<b>Docket Number:</b>	25-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	267938
<b>Document Title:</b>	Revised Repeated Application for Confidential Designation
<b>Description:</b>	Revised Repeated Application for Confidential Designation replacing Repeated Application filed on 11/14/2025
<b>Filer:</b>	Eric Janssen
<b>Organization:</b>	Biering & Brown, LLP
<b>Submitter Role:</b>	Intervenor Representative
<b>Submission Date:</b>	12/15/2025 4:30:49 PM
<b>Docketed Date:</b>	12/15/2025

# BIERING & BROWN, LLP

## ATTORNEYS AT LAW

2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816

**Andrew B. Brown**  
abrown@b2energyllaw.com

December 15, 2025

Mr. Drew Bohan  
Executive Director  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

**RE: Revised Repeated Application for Confidential Designation  
Constellation NewEnergy, Inc. 2025 IEPR Electricity Resource Planning  
Forms Submission, Docket No. 25-IEPR-02.**

Dear Mr. Bohan:

Constellation NewEnergy, Inc., (“CNE”) respectfully requests protection of certain information provided to the Commission on November 14, 2026 in its Electricity Resource Planning Forms submission. On December 11, 2025, CNE received a request from the Energy Commission staff to revise its previously filed repeated application for confidential designation.<sup>1</sup> This revised application responds to that request.

Information submitted to the Energy Commission may be deemed confidential without the need for a new application under California Code of Regulations, Title 20, Sections 2505(a)(1)(G) and 2505(a)(4) if CNE files a certification under penalty of perjury that the new information is substantially similar to the information previously granted confidentiality and that all the facts and circumstances relevant to confidentiality remain unchanged. By letter dated December 5, 2024 (see Attachment A hereto) you approved CNE’s request for confidential designation for information submitted in CNE’s 2024 IEPR Electricity Resource Planning submission in Docket 24-IEPR-02.

CNE’s 2025 IEPR Electricity Resource Planning Forms submission contains information that is substantially similar to its previously submitted 2024 IEPR Electricity Resource Planning Forms, and information and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

We bring to the Commission’s attention, however, two pieces of newly added data for which CNE has not previously requested confidentiality in this context, but for which confidentiality was granted in another Commission proceeding. CNE requests confidential designation for data on Form S-2, Line 8, Short-Term and Spot Market Energy Supply Purchases (and Sales) for years 2023 and 2024 in cells AC78 and AD78. CNE requests confidentiality for

---

<sup>1</sup> See, TN# 267263 in this docket.

this information because if left unredacted would reveal sufficient information to illuminate CNE’s confidential retail load and supply balance information. By letter dated August 12, 2025 (see Attachment B hereto) you approved CNE’s request for confidential designation for this spot market procurement data in the context of the Power Source Disclosure Program, albeit for a shorter period of time than being requested now.

Specifically, CNE requests that the following information, as also indicated by the yellow pattern cells on the accompanying Excel workbook, worksheets “S-1\_REQUIREMENT”, “S-2\_SUPPLY”, and “S-5 Table”, remain confidential through December 31, 2028:

Form	Information to be held confidential
2025 IEPR Electricity Resource Planning Form CEC S-1 Capacity/Energy Requirement Form	<ul style="list-style-type: none"> <li>Capacity Procurement Requirement (MW), Peak Load Calculations for years 2023-2028*, line numbers 1-2e, 4-8, 11;</li> <li>Energy Procurement Requirement (GWh), Energy Demand Calculations for years 2023-2028*, line numbers 12-13e, 16, 18;</li> <li>Historic LSE Peak Load for Years 2023-2024*, line numbers 19, 25.</li> </ul>
2025 IEPR Electricity Resource Planning Form CEC Form S-2: Capacity/Energy Supply Resources Form	<p>Capacity Supply Resources (MW):</p> <ul style="list-style-type: none"> <li>Total Other Bilateral Contract Supply for years 2023-2028*, line number 7a;</li> <li>Other Bilateral_Resource Adequacy Aggregate for years 2023-2028*, line number 7c;</li> </ul> <p>Energy Supply Resources (GWh)</p> <ul style="list-style-type: none"> <li>Short-Term and Spot Market Purchases (and Sales) for years 2023-2024*, line number 8;</li> </ul> <p>Capacity/Energy Balance Summary (<i>for both Capacity and Energy Supply Resources</i>):</p> <ul style="list-style-type: none"> <li>Total: Existing and Planned Supply for years 2023-2028*, line number 9;</li> <li>Firm LSE Procurement Requirement for years 2023-2028*, line number 10;</li> <li>Net Surplus (or Need) for years 2023-2028*, line number 11.</li> </ul>
2025 IEPR Electricity Resource Planning Form CEC Form S-5: Bilateral Contracts Table	Other Bilateral_Resource Adequacy Aggregate, Capacity (MW) Under Contract, line number 7c (cell I48 only).

Form	Information to be held confidential
* As noted above, CNE was previously granted its request for a three-years forward confidentiality period in the last IEPR cycle. As such, 2023 and 2024 information continues to be confidential through December 31, 2025, and is accordingly included here. CNE is also patterning this confidentiality request to be consistent with confidentiality granted by other agencies, including the California Public Utilities Commission, in an effort to harmonize confidentiality of reported information.	

*I certify under penalty of perjury that 1) the information contained in this repeated application for confidential designation is true, correct, and complete to the best of my knowledge; 2) the information submitted is substantially similar to previously submitted information that was designated confidential and that all the facts and circumstances relevant to confidentiality remain unchanged; and 3) that I am authorized to make this repeated application and certification on behalf of Constellation NewEnergy, Inc.*

Please feel free to contact me at [abrown@b2energylaw.com](mailto:abrown@b2energylaw.com) should you or Staff have any questions or require additional information regarding this Repeated Application. Thank you for your consideration of our request.

Sincerely,



Andrew B. Brown  
Biering & Brown, LLP  
Attorneys for Constellation NewEnergy, Inc.

Submitted via Confidential e-filing.

**ATTACHMENT A**

California Energy Commission December 5, 2024 Letter Granting  
the Repeated Application For Confidential Designation of Constellation NewEnergy, Inc. 2024  
IEPR Electricity Resource Planning Forms  
(Docket No. 24-IEPR-02, TN# 260484)

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	260484
<b>Document Title:</b>	CEC Response Letter Constellation IEPR 24 Repeated Application for Confidentiality
<b>Description:</b>	N/A
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	12/5/2024 10:34:46 AM
<b>Docketed Date:</b>	12/5/2024



December 05, 2024

**Via Email**

Andrew B. Brown  
Ellison Schneider Harris & Donlan LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, California 95816  
[abb@eslawfirm.com](mailto:abb@eslawfirm.com)

**Repeated Application for Confidential Designation of Constellation NewEnergy, Inc.  
2024 IEPR Electricity Resource Planning Forms**

**Docket No. 24-IEPR-02**

Dear Andrew B. Brown,

The California Energy Commission (CEC) has received Constellation NewEnergy, Inc's (applicant) repeated application for confidential designation, docketed November 15, 2024 (TN 260092), for the following records:

- Constellation NewEnergy, Inc 2024 IEPR Supply Form - CONFIDENTIAL

The applicant seeks confidentiality of certain portions of the information submitted in the data sets, specifically:

- S-1\_REQUIREMENT:
  - Capacity Procurement Requirement (MW), Peak Load Calculations for years 2022-2027, line numbers 1-2e, 4-8, 11.
  - Energy Procurement Requirement (GWh), Energy Demand Calculations for years 2022-2027, line numbers 12-13e, 16, 18.
  - Historic LSE Peak Load for 2022-2023\*, line numbers 19, 25.
- S- 2\_SUPPLY:
  - Capacity Supply Resources (MW):
    - Total Other Bilateral Contract Supply for years 2022-2027, line number 7a.
    - Other Bilateral\_Resource Adequacy Aggregate for years 2022-2027, line number 7c
  - Capacity/Energy Balance Summary (for both Capacity and Energy Supply Resources):
    - Total: Existing and Planned Supply for years 2022-2027, line number 9.

- Firm LSE Procurement Requirement for years 2022-2027, line number 10.
- Net Surplus (or need) for years 2022-2027, line number 11.
- S-5 Table: Other Bilateral\_Resource Adequacy Aggregate, Capacity (MW) Under Contract, line number 7c (cell I47 only).

The applicant states that these records were previously determined by CECs executive director to be confidential for a period of three years from November 30, 2022 (TN 247812). The applicant asserts, under penalty of perjury, that the records submitted under this application contain information substantially similar to previously submitted information that was granted confidential designation, and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

California Code of Regulations title 20, section 2505(a)(4) provides:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has met the requirements for confidential designation of the above information as a repeated application. Confidentiality is granted for a period of three years, under the same terms as those in the grant of confidentiality on November 30, 2022 (TN 247812).

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](mailto:confidentialityapplication@energy.ca.gov)



## **ATTACHMENT B**

California Energy Commission August 12, 2025 Letter Granting  
the Repeated Application For Confidential Designation of Constellation NewEnergy, Inc. 2024  
Power Source Disclosure Annual Report  
(Docket No. 25-PSDP-01, TN# 265562)

<b>DOCKETED</b>	
<b>Docket Stamp Updated:</b>	8/12/2025 5:35:12 PM
<b>Docket Number:</b>	25-PSDP-01
<b>Project Title:</b>	Power Source Disclosure Program - 2024
<b>TN #:</b>	265562
<b>Document Title:</b>	CEC Response to Constellation New Energy Repeated Application for Confidentiality - Corrected
<b>Description:</b>	supersedes TN #265545
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/12/2025 4:01:49 PM
<b>Docketed Date:</b>	8/12/2025

<b>DOCKETED</b>	
<b>Docket Number:</b>	25-PSDP-01
<b>Project Title:</b>	Power Source Disclosure Program - 2024
<b>TN #:</b>	265562
<b>Document Title:</b>	e Name Constellation New Energy Repeated Application for Confidentiality - Corrected
<b>Description:</b>	supersedes TN #265545
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/12/2025 4:01:32 PM
<b>Docketed Date:</b>	8/12/2025



August 12, 2025

**Via Email**

Andrew Brown  
Constellation NewEnergy, Inc  
2600 Capitol Ave., Suite 400  
Sacramento, CA 95816  
[abrown@b2energylaw.com](mailto:abrown@b2energylaw.com)

**Repeated Application for Confidential Designation  
Docket No.: 25-PSDP-01**

Dear Andrew Brown:

The California Energy Commission (CEC) has received Constellation NewEnergy, Inc.'s (applicant) repeated application (TN 264911) for confidential designation, docketed July 18, 2025, for the following:

- Designated information included in the 2024 Power Source Disclosure Annual Report

The applicant states that these records were previously determined by the CEC's executive director to be confidential until December 31, 2025 (Docket No. 25-PSDP-01, TN 264679). The applicant asserts, under penalty of perjury, that the designated information included in the 2024 Power Source Disclosure Annual Report contains information that is substantially similar to previously submitted information that was granted confidential designation, and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

California Code of Regulations title 20, section 2505(a)(4) provides:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has met the requirements for confidential designation of the above information as a repeated application. Confidentiality is granted through December 31, 2025, under the same terms as those in the initial letter granting confidentiality.

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](mailto:confidentialityapplication@energy.ca.gov).