

DOCKETED

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December 24, 2025

Via Email

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**Application for Confidential Designation
Docket No. 25-BTSD-01**

Dear Jonathan Johnson:

The California Energy Commission (CEC) has received Golden State Registry's (applicant) Application for Confidentiality docketed November 26, 2025 (TN 267753). The application covers the following documents submitted for the 2025 Energy Code Compliance (ECC) Program Provider Application:

- Ex. T5: Field Training Program Curriculum and Procedures
- Ex. T6: Field Training Facility Description

The applicant states that the above documents should be kept confidential in their entirety for the duration of the 2025-2028 Energy Code cycle. The applicant states that this time designation is consistent with the CEC's prior approval of training materials, testing standards, and internal program documents submitted by previous ECC providers.

Confidentiality Claims

The applicant states the information to be protected contains proprietary business information and trade secrets and would otherwise cause a loss of competitive advantage.

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."

Trade Secrets

A trade secret may include, but is not limited to, any process, compound, production data, or compilation of data that meet the following requirements: "(1) it is not patented, (2) it is known to only certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and (3) it gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Gov. Code, § 7924.510(f)).

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 application addresses the four elements of trade secrets in California Code of Regulations, title 20, section 2505(a)(1)(D) collectively for both exhibits. The applicant states:

1. *The specific nature of the advantage* – The applicant states it has invested a substantial amount of time, money, and resources into developing the proprietary training methodologies. It also claims that the field training facility configurations, layouts, and operational deployment strategies are similarly valuable.
2. *How the advantage would be lost* – The applicant states disclosure of this information would furnish valuable insights to any present or prospective competitor, enabling them to bypass the cost, time, and expertise required to develop an equivalent program.
3. *The value of the information to the applicant* – The applicant states it has incurred a significant expense in developing these programs and data.
4. *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – Per the applicant, acquiring or duplicating the data legitimately would present a significant challenge, requiring significant cost, time and expertise.

Ex. T5: Field Training Program Curriculum and Procedures

Exhibit T5 contains a description of the training curriculum structure and methods, instructional and assessment techniques, and competency standards and scoring tools.

This information is useful for its customers and instructors. These documents qualify as proprietary information. Confidentiality is granted for Exhibit T5.

Ex. T6: Field Training Facility Description

Exhibit T6 contains a description of the rater training facility, photos of equipment used to train raters, and describes attributes about the training facility and curriculum that are useful for its customers and instructors. These documents qualify as proprietary information. Confidentiality is granted for Exhibit T6.

Executive Director's Determination

For the reasons stated, confidentiality is granted for Exhibits T5 and T6 for the duration of the 2025-2028 Energy Code cycle, which is consistent with the timeframes recently granted to the applicant for other documents submitted for the 2025 Energy Code Compliance Program Provider Application.

You may request that the CEC determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in the California Code of Regulations, title 20, section 2508.

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 the 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.

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

Sincerely,



Drew Bohan
Executive Director