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June 1, 2026

Drew Bohan
Executive Director
Docket No. 26-PSDP-01, Power Source Disclosure Program
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Application of Silicon Valley Clean Energy Authority for Confidential Designation of Information Contained in its Power Source Disclosure Program 2025 Annual Report

Dear Mr. Bohan,

Silicon Valley Clean Energy Authority (“SVCE”) requests the California Energy Commission (“Commission”) designate information included in its Power Source Disclosure Program 2025 Annual Report (“2025 PSDR”) as confidential pursuant to Title 20, Cal. Code. Regs. (“CCR”), Section 2505 et seq. and the justifications set forth below. In accordance with the Commission’s instructions, SVCE provides the following information in support of its application for confidentiality designation.

Contact Information

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Proceeding Name: Load Management Standards Implementation
Docket Number: 26-PSDP-01

All correspondence regarding this filing should be directed by electronic mail to the attention of:

Demarie Weber
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Description and Identification of Confidential Information

SVCE seeks confidential treatment for the following information contained in the 2025 PSDR:

Tab	Columns/Rows	Description of Information
Annual Data Tab	Columns A, D-F, AD, AN Rows 28-219	Project names and other identifying information associated with specific Contracts, which is not public information and is market-sensitive information.
Annual Data Tab	Columns H-J, M-AB, AE-AL, AP-AR Rows 28-219	Annual generation data associated with individual facilities and information that could be used to derive annual generation data from specific facilities.
Annual Data Tab	Columns Q-X Rows 4-26	Annual generation data that is not yet public.
2025 PCL Data Tab	Columns B-H Rows 4-20	
Annual Data Tab	Columns Q-X Row 3	Annual retail sales data of individual portfolios
2025 PCL Data Tab	Columns B-H Row 3	

Length of Time the Information Should Be Kept Confidential

SVCE requests that the Commission keep SVCE’s information confidential and protected from public disclosure for a period of three (3) years, until June 1, 2029. This length of time is needed to ensure that SVCE’s current contracted load supply information remains secure from market participants that could make competitive use of this information to the detriment of SVCE, SVCE’s ratepayers, and the electricity market as a whole. Further, this length of time is consistent with how the Commission has treated similar information.¹

Provisions of Law Allowing the Commission to Keep the Documentation Confidential

SVCE seeks confidentiality for the PSDR on the following bases:

- A. **Trade Secret.** The Public Records Act exempts “trade secrets” from public disclosure, including “any formula, plan, ... production data, or compilation of information ...,”

¹ See 21-IEPR-03, *CEC's Response Letter to Silicon Valley Clean Energy Authority - Application June 30, 2023, Docket 23-IEPR-02* (Jul. 27, 2023) (TN#: 251201).

which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Gov. Code § 7924.510; *see also*, §§ 7927.705, and 7927.605). The Public Records Act also exempts records from public disclosure if the public interest in nondisclosure clearly outweighs the public interest in disclosure (Gov. Code § Section 7922.000). The CEC’s regulations provide for information to be designated as confidential if it “contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage.” (20 CRR § 2505(a)(1)(D)). Consistent with the requirements of 20 CRR § 2505(a)(1)(D), SVCE provides the following responses:

(1) The specific nature of the advantage

The specific facilities (Columns A, D-F, AD, AN, Rows 28-219) that are selected to meet the obligations of individual contracts is sensitive information because it is subject to change year-to-year and is often the subject of ongoing contract negotiations. Revealing this identification information from the most recent years and the generation associated with those individual projects could reveal or be used to derive market-sensitive information, as is not generally known and could be used by others to gain economic value from its disclosure. This disclosure could impact both SVCE’s negotiating positions and the energy and capacity market more generally. Revealing this confidential internal information would risk undermining SVCE’s relationship with developers. This information may also include third-party information, of which SVCE may not be authorized to publicly disclose. Such public disclosure could undermine current contracts and resource development. The public interest in this instance is served best by nondisclosure.

The volume information included in Columns H-J, M-AB, AE-AL, AP-AR, Rows 28-219 would disclose generation performance data for 2025 on a facility level basis. This volume and performance data would reveal information about SVCE’s net-short portfolio and future procurement needs. SVCE’s open portfolio can be derived from aggregating and cross-referencing the information provided in these Columns with publicly-available information. Moreover, SVCE’s portfolio position includes market-sensitive information which, if released, would put SVCE at a competitive disadvantage vis-à-vis other market participants and, consequently, compromise SVCE’s ability to procure resources on terms favorable to its ratepayers. It is in the public interest to withhold such information from disclosure, given the sensitivity of the information and the potential harm that would be caused by its disclosure.

The Annual Data, Columns Q-X, Rows 4-20, and 2025 PCL Data, Columns B-H, rows 4-20 would reveal information about SVCE’s net-short portfolio and future procurement needs. SVCE’s open portfolio can be derived from aggregating and cross-referencing the information provided in these Columns with publicly-available information. Moreover, SVCE’s portfolio position includes market-

sensitive information which, if released, would put SVCE at a competitive disadvantage vis-à-vis other market participants and, consequently, compromise SVCE's ability to procure resources on terms favorable to its ratepayers. It is in the public interest to withhold such information from disclosure, given the sensitivity of the information and the potential harm that would be caused by its disclosure.

The Annual Retail Sales data in Columns Q-X, Row 3, and 2025 PCL Data, Columns B-H, row 3 would reveal commercially sensitive information about the portfolios offered to large commercial customers. Redacting just the specific portfolio information would be insufficient because this data could be derived by using the data from the other portfolios. This portfolio information could be used by other entities providing load service that are seeking to provide more competitive prices to SVCE's customers. This information may also include third-party information about energy usage, of which SVCE may not be authorized to publicly disclose. Such public disclosure could undermine current customer relationships. The public interest in this instance is served best by nondisclosure.

(2) How the advantage would be lost

If the information described above were made public, SVCE would have a reduced competitive advantage in future solicitations, which would impact the rates that SVCE can offer customers.

(3) The value of the information to the applicant

This information is not publicly available but is necessary for SVCE's business operations. Information about the performance of existing contracted resources and future procurement needs are highly market sensitive and could be used by market participants to gain an advantage in negotiations. Making this information public would result in a negative financial impact to SVCE.

(4) The ease or difficulty with which the information could be legitimately acquired or duplicated by others

This information is derived using information that only SVCE has access to. There is no other source for this information and this information could not be derived through any analysis of publicly available data.

SVCE considers this information to be market sensitive and trade secrets, as public disclosure of this information could compromise SVCE's competitive position in the electricity market and would likely result in higher costs for SVCE's customers.

- B. Public Entity Designation. SVCE asserts confidentiality under Section 2505(b) as a local agency which possesses information pertinent to the responsibilities of the Commission that has been designated by SVCE as confidential under the Public Records Act. The

Commission has previously recognized SVCE's claim of confidentiality under Section 2505(b), and should do so here.²

- C. Balancing Tests. Even if the above justification was not available, the information should be protected under California Government Code, Section 7922.000, which permits protection of information where the public interest in nondisclosure clearly outweighs the public interest in disclosure. The confidential information described above is highly commercially sensitive, not publicly known, and if revealed could cause significant harm to SVCE. Such information, if disclosed, would reveal sensitive information about a resource portfolio, contract performance data, and future SVCE procurement needs. The disclosure of this information could impact the energy and capacity markets in California. The public does not have a meaningful interest in reviewing this information in a disaggregated form, and disclosure may impact the energy and capacity market causing public harm.

Disclosure in an Aggregated Form

The data in question can be disclosed if it is aggregated at a level that does not permit SVCE's confidential information to be derived from the aggregated data.

The Submitted Information Is Presently Confidential

SVCE does not publicly disclose its current contracted load supply on a facility basis, generation performance on a facility basis, and net short position. SVCE considers such information market sensitive, as public disclosure of this information could compromise SVCE's competitive position in the electricity market.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that as a community choice aggregator, SVCE is a local government agency, and I am authorized to make the application and certification on behalf of SVCE.

Dated: June 1, 2026

/s/ Demarie Weber

Demarie Weber
Compliance Manager
Silicon Valley Clean Energy Authority
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² See 22-IEPR-03, *CEC Response Letter to Silicon Valley Clean Energy's Application for Confidentiality* – 9-9-22 (December 2, 2022) (TN#:247895).