

DOCKETED

Docket Number:	25-BSTD-01
Project Title:	2025 Energy Code Compliance Provider Applications
TN #:	272528
Document Title:	CEC-13 Confidentiality Request GSR Exhibit T4A
Description:	N/A
Filer:	Jonathan Johnson
Organization:	Golden State Registry
Submitter Role:	Applicant
Submission Date:	9/10/2026 7:29:40 PM
Docketed Date:	9/11/2026

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20, California Code of Regulations, § 2505 et seq.)

CEC-13 (Revised 04/2023)

Application concerning: GSR Exhibit T4-A - ECC Rater Company Principal Assessment

1. Contact Information (20 CCR § 1208.1)

Applicant Name	Golden State Registry (DBA of National Energy Testing Institute, Inc.)
Phone Number	805-201-9047
E-mail	helpdesk@gsregistry.org
Proceeding Name	2025 Energy Code Compliance Provider Applications
Docket Number	25-BSTD-01

2. Title, date, and description (including number of pages) of the information or data for which confidential designation is requested (20 CCR § 1208.1)

Title: GSR Exhibit T4-A - ECC Rater Company Principal Assessment

Document date: September 11, 2026

Length and format: 13-page Microsoft Word document.

Description: The final knowledge assessment administered to the designated principal of an ECC Rater Company after completion of GSR's required company and principal training. The document contains assessment instructions, administration and scoring requirements, 52 multiple-choice and true-or-false questions with all answer choices, and the complete answer key. The assessment tests the principal's knowledge of ECC program roles, company certification and responsibilities, principal qualifications, conflicts of interest, separation of services, quality assurance, discipline and appeal rights, registry permissions, annual reporting, update training, and related requirements under Title 24, Part 1, section 10-103.3. The passing score is 70 percent, or 37 correct answers out of 52, and the assessment may be administered online using Commission-approved proctoring software or in person with a live proctor.

3. Specific part(s) of the information or data for which confidential designation is requested (20 CCR § 2505(a)(1)(B))

GSR requests confidential designation for the entire 13-page document, including the instructions, administration and scoring information, all 52 questions, all answer choices, the sequence and organization of the questions, the complete answer key, and any other information from which a correct response or tested competency could be inferred.

The protected information is integrated throughout the assessment. Although the underlying statutes, regulations, and program requirements are public, the particular questions, distractors, selection and weighting of tested subjects, sequencing, answer key, and scoring structure comprise GSR's confidential examination instrument. Disclosure of any material portion could permit candidates to memorize answers, circulate test content, infer correct responses, or prepare specifically for the instrument instead of demonstrating independent knowledge. The assessment therefore cannot be separated into confidential and non-confidential portions without compromising test security.

4. Length of time the CEC should keep the information or data confidential, and justification (20 CCR § 2505(a)(1)(C))

GSR requests permanent confidential designation for the entire assessment. Permanent treatment is requested for all questions, answer choices, correct answers, scoring information, tested competencies expressed through particular items, and substantially similar items that may be used, reserved, reused, rotated, or adapted in any current or future GSR assessment. If GSR permanently retires an individual item and determines that neither the item nor a substantially similar version will be reused and that disclosure can no longer compromise any current or future assessment, GSR may affirmatively determine that continued protection of that retired item is no longer necessary.

Permanent confidentiality is justified because the useful life of secure examination material is determined by continued use and potential future reuse, not by the passage of a fixed number of years or the end of one code cycle. Many core ECC Rater Company duties and regulatory concepts may remain materially unchanged across successive code cycles, allowing questions, distractors, and answer structures to be reused, rotated, or adapted. Even after a specific question is revised, disclosure may reveal the tested competency, answer pattern, distractor design, or substantially similar content used in a later assessment. Once examination questions or answers become public, their secrecy and testing value cannot be restored. Disclosure would enable advance memorization and distribution, undermine the validity of passing scores, require premature replacement of otherwise valid questions, and impair GSR's ability to determine whether a principal has independently mastered the required material. Permanent designation is therefore reasonably related to the continuing examination-security value of the material, while allowing GSR to identify any permanently retired item that no longer requires protection.

5. Legal basis permitting the CEC to keep the information or data confidential (20 CCR § 2505(a)(1)(D))

The requested material constitutes trade-secret and competitively sensitive commercial information. California Evidence Code section 1060 recognizes a privilege to refuse disclosure of a trade secret when allowance of the privilege will not conceal fraud or otherwise work injustice. California Civil Code section 3426.1(d) defines a trade secret as information that derives independent economic value from not being generally known or readily ascertainable by proper means and that is subject to reasonable efforts to maintain secrecy. GSR's nonpublic assessment questions, distractors, answer key, scoring information, and item-selection methodology derive value from remaining secret and are protected through controlled administration and restricted access.

The California Public Records Act preserves confidentiality where disclosure is exempted or prohibited under state law, including applicable privileges (Gov. Code, section 7927.705). The material also warrants withholding under the public-interest balancing provision (Gov. Code, section 7922.000). Disclosure would facilitate cheating and unauthorized distribution, invalidate or weaken a required competency assessment, impose recurring replacement and validation costs, and undermine the public interest in ensuring that certified principals possess the knowledge required to oversee ECC Rater Companies. These harms clearly outweigh any incremental public interest in access to the actual examination items and answers. The public can evaluate the assessment's scope, length, passing standard, administration method, and covered competencies through a non-confidential summary without disclosure of secure test content.

6. Trade secrets and loss of competitive advantage (20 CCR § 2505(a)(1)(D))

(a) Specific nature of the advantage

GSR has invested substantial regulatory, legal, instructional, psychometric, writing, editing, and quality-review resources to develop an assessment that measures the required knowledge of ECC Rater Company principals. Its advantage lies in a secure, ready-to-administer examination instrument whose questions, plausible distractors, subject coverage, answer key, and passing standard work together to distinguish candidates who understand the program from those who do not. Maintaining secrecy preserves the instrument's validity, reduces unnecessary item-replacement costs, and supports reliable, efficient certification decisions.

(b) How the advantage would be lost

If the questions or answers were disclosed, future candidates could study the assessment itself, memorize correct responses, share answer lists, or use the disclosed material during preparation without mastering the underlying duties. Passing results would then cease to provide reliable evidence of competency. Competitors or training vendors could also copy or adapt GSR's complete assessment without bearing comparable development and validation costs. GSR would be forced to retire and replace compromised items, re-balance subject coverage, verify new answers and citations, and revalidate the assessment, losing both its examination-security advantage and the value of its investment.

(c) Value of the information to the applicant

The information has substantial regulatory, commercial, and operational value. The assessment is a required component of GSR's company-principal training and certification process and provides evidence that a designated principal understands the obligations necessary to protect program integrity. Each secure question remains an asset that can be administered, rotated, reserved, or adapted in later assessments when the underlying requirement remains materially unchanged. The answer key and item set are especially valuable because their confidentiality preserves the reliability of scores and avoids repeated redevelopment costs.

(d) Ease or difficulty of legitimate acquisition or duplication by others

The actual question set, distractors, answer key, selection and sequencing of topics, and scoring implementation cannot be acquired from public regulations or CEC guidance. A person could independently study the governing law and develop a different assessment, but legitimately duplicating this instrument would require substantial regulatory research, question drafting, distractor development, citation and answer verification, balancing of subject coverage and difficulty, editing, review, secure implementation, and validation. The answer key could not be independently acquired without analyzing every item, and exact duplication would not be possible absent access to GSR's protected assessment.

7. Whether the information or data can be disclosed if aggregated or masked (20 CCR § 2505(a)(1)(E))

The assessment cannot be meaningfully disclosed through aggregation because it is not a dataset. GSR may publicly disclose high-level information such as the assessment's purpose, total number of questions, passing score, administration method, and general competency categories. No public summary should disclose or closely paraphrase any actual question, answer choice, correct answer, item sequence, scoring detail beyond the published passing standard, or information that would permit a candidate to reconstruct a test item.

Masking only the answer key would be inadequate because candidates could still circulate and pre-study the exact questions and distractors, and correct answers could be researched or inferred. Masking only the questions would leave the answer key without useful public meaning. Partial disclosure of selected items would likewise consume those items' future testing value and reveal the assessment's design. Effective protection therefore requires confidential treatment of the entire instrument while it remains in use or reserved for possible reuse.

8. How the information or data is kept confidential and whether it has been disclosed outside the applicant (20 CCR § 2505(a)(1)(F))

GSR treats examination questions, answer choices, answer keys, scoring information, and related administration material as confidential and limits access to personnel, contractors, professional advisers, proctors, platform providers, and CEC reviewers who have a legitimate regulatory, development, administration, security, or oversight need for the material. Candidates receive access only through controlled, proctored administration of the assessment. GSR uses access controls, proctoring requirements, secure retention practices, and contractual, professional, programmatic, or other confidentiality and use restrictions appropriate to the recipient and purpose.

The complete assessment and answer key have not been made generally available to the public. Any limited disclosure outside GSR has occurred only as reasonably necessary for development, citation and answer verification, technical implementation, proctored administration, legal or regulatory review, or CEC oversight, and under circumstances intended to prevent unrestricted dissemination. Submission to the CEC is made solely for official review and with this express request for confidential designation. Controlled exposure to candidates during a secure examination does not authorize retention, copying, distribution, or public disclosure of the assessment content.

9. Certification (20 CCR § 2505(a)(1)(G))

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.

10. Business entity and authority to apply and certify (20 CCR § 2505(a)(1)(G))

National Energy Testing Institute, Inc. is a corporation doing business as Golden State Registry. I am the Chief Executive Officer of the corporation and am authorized to prepare and submit this application and to make the foregoing certification on behalf of National Energy Testing Institute, Inc. DBA Golden State Registry.

Signature	
Name	Jonathan Johnson
Title	Chief Executive Officer
Date	09/10/2026