

DOCKETED

Docket Number:	25-BSTD-01
Project Title:	2025 Energy Code Compliance Provider Applications
TN #:	272881
Document Title:	GSR CEC13 TE1 TE2 Confidentiality Request
Description:	N/A
Filer:	Jonathan Johnson
Organization:	Golden State Registry
Submitter Role:	Applicant
Submission Date:	9/21/2026 11:08:10 PM
Docketed Date:	9/22/2026

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

CEC-13 (Revised 04/2023)

Application concerning: Exhibit TE-1 (ECC-Rater New Trainee Written Examination) and Exhibit TE-2 (ECC-Rater Challenge Test Written Examination)

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)

Exhibit TE-1 — ECC-Rater New Trainee Written Examination

Title:	Exhibit TE-1 — ECC-Rater New Trainee Written Examination
Document date:	September 18, 2026
Length and format:	38-page PDF

Description: GSR's written examination administered to all ECC-Rater New Trainee applicants seeking initial certification

Exhibit TE-2 — ECC-Rater Challenge Test Written Examination

Title:	Exhibit TE-2 — ECC-Rater Challenge Test Written Examination
Document date:	September 18, 2026
Length and format:	18-page PDF

Description: GSR's written examination administered to candidates pursuing ECC-Rater certification through the Challenge Test pathway.

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 entirety of both Exhibit TE-1 and Exhibit TE-2, including the instructions, administration and scoring requirements, all questions in both exhibits, all answer choices, the sequence and organization of the questions within each exhibit and each part, the complete answer keys, and any other information from which a correct response or tested competency could be inferred.

The protected information is integrated throughout each assessment. Although the underlying statutes, regulations, and program requirements are public, the particular questions, distractors, selection and weighting of tested subjects, sequencing, answer keys, and scoring structures comprise GSR's confidential examination instruments. Disclosure of any material portion of either examination could permit candidates to memorize answers, circulate test content, infer correct responses, or prepare specifically for the instrument instead of demonstrating independent knowledge. Neither examination can therefore be separated into confidential and non-confidential portions without compromising test security.

Because Exhibit TE-2 is designed as a proportional microcosm of Exhibit TE-1 — drawing from the same subject areas, the same competency framework, and, where possible, structurally related items — disclosure of either

examination would also compromise the other. The two instruments must be treated as a single, integrated examination system for confidentiality purposes.

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 both Exhibit TE-1 and Exhibit TE-2 in their entirety — 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. The core ECC-Rater field competencies and regulatory duties tested in these examinations — duct leakage testing, refrigerant charge verification, airflow and fan efficacy measurement, quality insulation installation, building enclosure air leakage, mechanical ventilation, water heating, and documentation and registry compliance — 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. The relationship between the two exhibits — TE-2 as a proportional microcosm of TE-1 — further amplifies this risk: compromise of one examination's items directly undermines the integrity of the other. 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 in both instruments simultaneously, and impair GSR's ability to determine whether a candidate has independently mastered the required knowledge. 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 examination questions, distractors, answer keys, scoring information, and item-selection methodology for both Exhibit TE-1 and Exhibit TE-2 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 required competency assessments, impose recurring replacement and validation costs across both examination instruments simultaneously, and undermine the public interest in ensuring that certified ECC-Raters possess the knowledge required to perform field verification and diagnostic testing. These harms clearly outweigh any incremental public interest in access to the actual examination items and answers. The public can evaluate each assessment's scope, length, passing standard, administration method, and covered competencies through non-confidential summaries 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 two complementary examination instruments that together measure ECC-Rater knowledge across all 19 required subject areas — one calibrated for new trainees requiring thorough initial assessment, and one calibrated for experienced field professionals demonstrating existing competency through the challenge pathway. The advantage lies in two secure, ready-to-administer instruments whose questions, plausible distractors, subject coverage, answer keys, scoring structures, and relationship to each other work together to distinguish candidates who understand the program from those who do not. Maintaining secrecy preserves each instrument's validity, reduces unnecessary item-replacement costs, and supports reliable, efficient certification decisions across both pathways.

(b) How the advantage would be lost

If the questions or answers from either exhibit 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 field duties. Passing results would then cease to provide reliable evidence of competency. Because Exhibit TE-2 is built as a proportional microcosm of Exhibit TE-1, disclosure of either instrument directly undermines the security of the other — shared subject areas, distractor strategies, and item structures create cross-contamination risk that cannot be isolated to a single exhibit. Competitors or training vendors could also copy or adapt GSR's complete examination system without bearing comparable development and validation costs. GSR would be forced to retire and replace compromised items across both instruments simultaneously, re-balance subject coverage, verify new answers and citations, and revalidate both assessments, 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. Exhibit TE-1 is a required component of GSR's New Trainee certification pathway and provides evidence that an applicant understands the knowledge required to perform ECC-Rater field verification independently. Exhibit TE-2 is a required component of GSR's Challenge Test pathway and provides evidence that an already-experienced field professional can meet the same knowledge standard. Together, the two instruments form the complete written-examination system supporting both certification pathways under Section 10-103.3(d)(1). Each secure question in each exhibit remains an asset that can be administered, rotated, reserved, or adapted in later assessments when the underlying requirement remains materially unchanged. The answer keys and item sets are especially valuable because their confidentiality preserves the reliability of scores and avoids repeated redevelopment costs across both instruments.

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

The actual question sets, distractors, answer keys, selection and sequencing of topics, and scoring implementation for either exhibit 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 either 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 — conducted twice, for instruments serving different candidate populations and calibrated to different difficulty levels. The proportional relationship between the two instruments adds a structural design layer that cannot be independently reverse-engineered from any public source. The answer keys could not be independently acquired without analyzing every item in both exhibits, and exact duplication would not be possible absent access to GSR's protected assessments.

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

Neither examination can be meaningfully disclosed through aggregation because neither is a dataset. GSR may publicly disclose high-level information about each examination, such as its purpose, total number of questions, passing score, administration method, general competency categories, and the overall subject-area distribution.

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 from either exhibit.

Masking only the answer keys 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 keys without useful public meaning. Partial disclosure of selected items would likewise consume those items' future testing value and reveal the structural relationship between the two instruments. Because Exhibit TE-2 is a proportional microcosm of Exhibit TE-1, partial disclosure of one exhibit necessarily reveals information about the design and content of the other. Effective protection therefore requires confidential treatment of both instruments in their entirety while they remain 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 for both Exhibit TE-1 and Exhibit TE-2 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 applicable 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 assessments and answer keys 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	9/18/2026