DOCKETED	
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Description:	Response to TN272810
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October 07, 2026

Via Email

Judhajit Chakraborty
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Application for Confidential Designation
Docket No. 15-OIR-05

Dear Judhajit Chakraborty:

The California Energy Commission (CEC) has received Applied Materials, Inc.'s (applicant) Application for Confidentiality docketed on September 15, 2026 (TN 272810). The application covers the following documents:

- CA037157_2025 California Energy Commission Benchmarking_B2.xlsx
- CA037157_2026 California Energy Commission Benchmarking_B2.xlsx

The applicant requests confidential designation for portions of the above referenced spreadsheets ("**confidential information**") which include:

- ENERGY STAR Score;
- Monthly and annual site energy use by energy type, being electricity and natural gas for this building;
- Monthly and annual weather-normalized site and source energy use intensity, and the underlying energy-use values from which those metrics can be derived;
- Monthly or annual peak electricity demand, if present or derivable; and
- Total greenhouse gas emissions and direct derivative emissions metrics.

The applicant states that the above **confidential information** is exempt from disclosure because the information to be protected contains proprietary business information and trade secrets and would otherwise cause a loss of competitive advantage.

Confidentiality Claims

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

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.

Executive Director's Determination

The CEC has reviewed and determined the application contains the required information under section 2505(a)(1)(D) to support the applicant's assertion that confidential information should be exempt from disclosure as a trade secret. The applicant makes a reasonable claim that the law authorizes CEC to keep the records confidential as required in section 2505(a)(3)(A). As such, confidentiality is granted for confidential information for 5 years.

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