DOCKETED	
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Project Title:	2022 HERS Provider Applications for the 2022 Building Energy Efficiency Standards
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October 29, 2026

Via Email

Jonathan Johnson
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Application for Confidential Designation: (1) GSR 2025 Annual HERS Report; (2) Golden State Registry -2025 Certified Rater Registry; and (3) Golden State Registry- 2025 Annual FV&DT 500-Project Dataset

Docket No. 22-HERS-01

Dear Jonathan Johnson:

The California Energy Commission (CEC) has received Golden State Registry's (applicant or GSR) Application for Confidentiality, docketed September 30, 2026 (TN 272991) covering the following documents:

- GSR 2025 Annual HERS Report
- Golden State Registry-2025 Certified Rater Registry
- Golden State Registry- 2025 Annual Field Verification & Diagnostic Testing (FV& DT) 500-Project Dataset

The documents include GSR's year-end reporting submission for calendar year 2025 under the Home Energy Rating System (HERS) Provider requirements. -The applicant states that the documents should be kept confidential in their entirety indefinitely. The applicant states that the time designation is consistent with the CEC's prior approval of confidentiality for HERS providers. The applicant identifies proprietary business information, the fact that personal information of customers would be identified, and trade secrets as a basis for confidentiality. The applicant asserts the information cannot be meaningfully disclosed through aggregation or masking while preserving the context for which it was submitted and that all three documents operate as a linked annual compliance package. Partial disclosure would allow information in one document to be used to decode or reidentify information in another.

Confidentiality Claims

The applicant argues the following provisions apply: California Code of Regulations, title 20, sections 1674(b), 2505, and 2025; California Government Code sections 6254 and 7927.700. The applicant states the information to be protected contains proprietary

business information, trade secrets, and personnel information 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

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.

Personnel Information

Government Code section 7927.700 does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Discussion

The application addresses the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D) by stating:

1. *The specific nature of the advantage* – The applicant states it has invested a substantial amount of time, money, and resources into developing and maintaining these programs and data.
2. *How the advantage would be lost* – The applicant states disclosure of this information would furnish valuable insights to any present or prospective competitor, marketer, or third party enabling them to sidestep or minimize the significant investment required.

3.

3. *The value of the information to the applicant* – The applicant states the data package has substantial operational, regulatory, and commercial value.
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 access to GSR's nonpublic registry, project records, quality assurance (QA) systems, complaint files, communications and compliance determinations. The complaint details, homeowner decisions, QA outcomes, disciplinary measures, and project-to-rater linkages are not readily ascertainable from public sources.

Discussion by Document Description

GSR 2025 Annual HERS Report

California Code of Regulations, title 20, section 1673(i)(5) requires HERS providers to establish a complaint process for quality assurance purposes and to incorporate specific requirements identified in the regulations. The GSR Annual report contains a substantive complaint summary that contains information regarding substantive complaints received, including personal information such as the homeowners' name and address (Section 5.3 "Substantive Complaint Summary).

GSR has not made a reasonable claim that this information is exempt from disclosure as business proprietary or trade secrets given the general nature of the general information in the report and the public's interest in the annual reporting of HERS raters.

GSR has made a reasonable claim that the list of names and home addresses is confidential personnel information under Government Code section 7927.700.

Golden State Registry-2025 Certified Rater Registry

HERS providers are required under California Code of Regulations, title 20, section 1673(d) to create and maintain a registry of all raters. The registry contains the rater's name, status, home address, contact information, employer, and the types of rating services they are certified to perform.

GSR has made a reasonable claim that the list of names, home addresses, and contact information is confidential personnel information under Government Code section 7927.700.

Golden State Registry- 2025 Annual FV&DT 500-Project Dataset

The compliance files contained in the FV&DT 500-Project Dataset contain customer information and data that the applicant states would be highly valuable to the applicant's competitors. The applicant stated the files contain a 500-project field verification and diagnostic testing dataset containing project registration numbers, climate zones, rater identities, measures verification outcomes, homeowner-decline information, specific project and complaint addresses, quality-assurance activity, and specified disciplinary action involving a named rater.

The applicant has made a reasonable showing that the information referenced above should be maintained as confidential as proprietary business information or trade secrets. GSR has made a reasonable claim that the list of names, home addresses, and contact information are confidential personnel information under Government Code section 7927.700.

Executive Director's Determination

For the reasons stated, the applicant's request for confidential designation for the 2025 Certified Rater Registry and the 2025 Annual FV&DT 500-Project Dataset are granted indefinitely. Confidentiality is denied for the GSR Annual HERS Report. For the GSR Annual Report please redact the information in section 5.3 "Substantive Complaint Summary" that lists the homeowner's name and address and submit it to the docket within 14 days. If the GSR Annual HERS report is resubmitted and redacted, it is not necessary to refile the 2025 Certified Rater Registry and the 2025 Annual FV-&DT 500 Project Database.

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 its 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