### DOCKETED

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<th>Docket Number:</th>
<th>17-IEPR-02</th>
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<tr>
<td>Project Title:</td>
<td>Electricity Resource/ Supply Plans</td>
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<tr>
<td>TN #:</td>
<td>217245</td>
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<tr>
<td>Document Title:</td>
<td>Constellation NewEnergy, Inc. Repeated Application for Confidential Designation</td>
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<tr>
<td>Description:</td>
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<td>Filer:</td>
<td>Eric Janssen</td>
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<tr>
<td>Organization:</td>
<td>Ellison Schneider Harris &amp; Donlan LLP</td>
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<td>Submitter Role:</td>
<td>Other Interested Person</td>
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<td>Docketed Date:</td>
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April 21, 2017

Robert Oglesby  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-39  
Sacramento, CA  95814-5504

RE:   Repeated Application for Confidential Designation  
Constellation NewEnergy, Inc. 2017 IEPR Electricity Resource / Supply Plans  
Submission, Docket No. 17-IEPR-02.

Dear Mr. Oglesby:

Constellation NewEnergy, Inc., (“CNE”) respectfully requests protection of certain information provided to the Commission in its accompanying Electricity Resource / Supply Plan submission.

Information submitted to the Energy Commission can be deemed confidential without the need for a new application under California Code of Regulations, Title 20, Sections 2505(a)(1)(G) and 2505(a)(4) if CNE files a certification under penalty of perjury that the new information is substantially similar to the information previously granted confidentiality. By letter dated June 5, 2015 (see Attachment A hereto) you approved CNE’s request for confidential designation for information submitted in CNE’s 2015 IEPR Electricity Resource Plan Forms submission in docket 15-IEPR-02. In that letter, you encouraged CNE to take advantage of the repeated application process in the future where appropriate.

CNE’s 2017 Electricity Resource / Supply Plans submission contains information that is substantially similar to its previously submitted 2015 Electricity Resource / Supply Plans submission and all facts and circumstances relevant to the confidentiality of today’s submission’s information remain unchanged.

Specifically, CNE requests that the following information, as also indicated by the yellow pattern cells on the accompanying Excel workbook, worksheets “S-1 Capacity Resource Accounting Table”, “S-2 Energy Balance Table” and “S-5 Bilateral Contracts Table” remain confidential through December 31, 2020:

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<table>
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<tr>
<th>Form</th>
<th>Information to be held confidential</th>
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</table>
- Capacity Supply Resources from other Bilateral Contracts for years 2016 through 2020, cells D73:H163;  
- Capacity Balance Summary for years 2016 through 2020, cells D167:H169;  
- Historic LSE Peak Load for 2016, cells D176, D182. |
- Energy Supply Resources for years 2016 through 2020, cells D73:H164;  
| 2017 IEPR Energy Resource / Supply Form: S-5 Bilateral Contracts Table | - All non-renewable contracts details, cells A29:W117. |

* CNE was previously granted its request for a three year confidentiality period. As such, 2012-2016 information continues to be confidential through December 31, 2017.

I certify under penalty of perjury that the information contained in this repeated application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make this repeated application and certification on behalf of Constellation NewEnergy, Inc.

Please feel free to contact me at (916) 447-2166 should you or Staff have any questions or require additional information regarding this Repeated Application. Thank you for your consideration of our request.

Sincerely,

Andrew B. Brown  
Ellison Schneider Harris & Donlan LLP  
Attorneys for Constellation NewEnergy, Inc.

Submitted via Confidential e-filing.

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ATTACHMENT A

June 5, 2015

Mr. Andrew B. Brown
Ellison, Schneider & Harris, LLP
Attorneys for Constellation NewEnergy, Inc.
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816

RE: Constellation NewEnergy's Application for Confidentiality for Resource Plan Forms
Docket No. 15-IEPR-02 – Electricity Resource Plans

Dear Mr. Brown:

The California Energy Commission is in receipt of an Application for Confidentiality dated April 24, 2015, submitted by Ellison, Schneider & Harris, LLP for Constellation NewEnergy, Inc. (Applicant), seeking confidential designation for the following information:

1) Specific categories of data, identified in the application, contained within the Electricity Resource Plan Form S-1, Form S-2, and Form S-5

Because the information is substantially similar to information previously designated as confidential during the development of prior Integrated Energy Policy Reports, this application will be considered a repeated application.

Information submitted to the Energy Commission can be deemed confidential without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4) if you file a certification under penalty of perjury that the new information is substantially similar to the information previously granted confidentiality.

In this case, your current application will serve as your certification and the designation of confidentiality will be under the same terms as the prior designation. The information will remain confidential until December 31, 2019. In the future when submitting substantially similar information, you may take advantage of the repeated application process by providing a certification along with the data.
Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,

[Signature]

Robert P. Oglesby
Executive Director

cc: Docket Unit – 15-IEPR-02 – Electricity Resource Plans
    Sylvia Bender
    Jim Woodward
    Jared Babula