

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



May 6, 2011

Ms. Angela Gregory
Upstream Compliance
Direct Energy
Two Gateway Center
Pittsburgh, PA 15222-1458

DOCKET 11-IEP-1C
DATE 5-6-11
RECD. 5-6-11

RE: **Application for Confidentiality, Direct Energy Business, LLC**
IEPR Electricity Demand Forecast Submission
Docket No. 11-IEP-1C

Dear Ms. Gregory:

On April 15, 2011, the California Energy Commission (Energy Commission) received an application for confidentiality filed by the Direct Energy Business, LLC in the above-captioned Docket. The application seeks confidentiality for information contained on the Electricity Retail Demand Forecast Form 7 and Form 8.1(a) (ESP).

Direct Energy asserts that information in Form 7 and Form 8.1(a) (ESP) should be designated confidential because the information is "substantially similar to information that was previously deemed confidential by the Energy Commission." Direct Energy previously requested the information be designated confidential on the grounds that is trade secret information.

Direct Energy requests that the above information in Form 7 be granted confidentiality for three years. Direct Energy also requests that the information for the year 2008 in Form 8.1(a) (ESP) be designated confidential for one year, and the information in Form 8.1(a) (ESP) for the years 2009-2013 be granted confidentiality for three years.

A properly filed application for confidentiality shall be granted under the 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 [Energy] Commission to keep the record confidential."

Direct Energy's confidentiality application makes a reasonable claim to grant confidentiality for the data identified above. The information contained on Form 7 and Form 8.1(a) (ESP) constitutes a trade secret, and would place Direct Energy at a competitive disadvantage if disclosed. The Energy Commission will aggregate the information submitted by Direct Energy to prevent disclosure of information that would cause harm. The data will be aggregated as follows:

1. For individual ESPs, data aggregated at the statewide level by major customer sector.

Ms. Angela Gregory
May 6, 2011
Page 2

2. For the sum of all ESPs, data aggregated at the service area, planning area, or statewide levels by major customer sector.

The identified confidential information contained on Form 7 will be kept confidential until December 31, 2013, the identified information for the year 2008 contained in Form 8.1(a) (ESP) will be held confidential until December 31, 2011, and the information in Form 8.1(a) (ESP) for the years 2009-2013 will be held confidential until December 31, 2013.

Persons may petition to inspect or copy the 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. Be advised that an appeal of this decision must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Jones', with a stylized, cursive script.

MELISSA JONES
Executive Director

cc: Docket Unit