

DOCKETED

Docket Number:	19-HERS-01
Project Title:	2019 HERS Providers' Application for the 2019 Building Energy Efficiency Standards
TN #:	227358
Document Title:	Application for Confidential Designation
Description:	Application for Confidential Designation for specific exhibits of the CHEERS 2019 HERS Provider application
Filer:	Jim Hodgson
Organization:	CHEERS
Submitter Role:	Applicant
Submission Date:	3/18/2019 6:04:57 PM
Docketed Date:	3/19/2019



March 19, 2019

Drew Bowan
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Confidential Designation Request for the CHEERS 2019 HERS Provider Application

Dear Director Bowan,

CHEERS is applying for recertification as a Home Energy Rating System Provider under the 2019 Building Energy Code Standards. CHEERS is currently certified as a HERS Provider under the 2008, 2013 and 2016 Standards. During each prior certification process CHEERS requested and received Confidential Designation for sections of its application material. CHEERS formally requests Confidential Designation for the below Exhibits as part of our 2019 application:

Exhibit Item	Description	TN # for Precedent Approved Confidential Designation Requests from Docket: 16-HERS-01
Exhibit B	Responses to HERS Requirements 1674	212897
Exhibit C	Training Material	212890, 214067, 214420
Exhibit D	Training Program Overview	212901, 220031
Exhibit E	Rater Agreement	212892, 214051, 220030
Exhibit F	Quality Assurance Program	220025

Each of the above exhibits contains trade secrets, intellectual property, or proprietary business process that CHEERS requests remain confidential. Sections of the CHEERS 2019 application not seeking Confidential Designation include:

- Exhibit G – QA Team Qualifications
- Exhibit H – Additional Conditions of Certification
- Exhibit I – Articles of Incorporation & Bylaws

The CHEERS 2019 HERS Provider Application is substantially similar to previous CHEERS HERS Provider applications containing approved confidentiality requests. The facts and circumstances relevant to confidentiality remain unchanged.

CHEERS looks forward to working with Staff through this application process. Do not hesitate to contact me for any related issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Hodgson", with a long horizontal flourish extending to the right.

Jim Hodgson
Executive Director
CHEERS



**APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

All confidential filings: Individual documents may not exceed 30 MB¹ or be password protected.² The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: docket@energy.ca.gov.

Existing proceedings: Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled "**Submit e-filing.**" Alternatively, go to: <http://www.energy.ca.gov/e-filing/index.html>. Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

Filings not associated with any proceeding: Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and "Confidential." (§ 1208.1)

TO: Energy Commission Docket Unit

Applicant: CHEERS

Address: 1610 R Street, Suite 200, Sacramento CA 95811

Phone and E-mail: jhodgson@cheers.org

Proceeding or Project Name: 2019 HERS Providers' Application for the 2019 Standards

Docket Number: 19-HERS-01

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

CHEERS 2019 Application

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

Exhibits B, C, D, E, F of the CHEERS 2019 Application

¹ Contact the Docket Unit if you cannot reduce the size of your file.

² If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

- 2. State and justify the length of time the Energy Commission should keep the information or data confidential.

10 years. This is consistent with the Commission's prior approval of confidentiality for HERS Providers. See docket 16-HERS-01, TN# 212469

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

Title 20 CCR Section 1674(b); Title 20 CCR Section 2505; Title 20 CCR Section 2025; CA Government Code Section 6254

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The application materials include trade secrets and proprietary information only available to registered Rater applicants.
Similar confidential requests have been granted to CHEERS and other HERS Providers in the past.

- 4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

None of the materials we are seeking confidential designation for are appropriate for aggregation. Much of this information is proprietary training or process material and not suitable for statistical aggregation.

- 5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

Proprietary material is stored within our user restricted Training website and the CHEERS Data Registry.
CHEERS proprietary material is shared with CHEERS Raters undergoing a training curriculum.

I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: 3/19/19

Signed: 



APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)
CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type): Jim Hodgson
Title: (print or type) Executive Director
Representing: CHEERS

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.