

DOCKETED

Docket Number:	19-PSDP-01
Project Title:	Power Source Disclosure Program - 2018
TN #:	228497
Document Title:	UC Regents Application for Confidential Designation
Description:	Application for Confidential Designation related to data included in 2018 Power Source Disclosure Annual Report for The Regents of the University of California, in its role as an Electric Service Provider.
Filer:	Cynthia Clark
Organization:	University of California Office of the President
Submitter Role:	Applicant
Submission Date:	6/3/2019 3:57:50 PM
Docketed Date:	6/3/2019



OFFICE OF THE PRESIDENT

Energy and Sustainability
1111 Broadway, Suite 1450
Oakland, California 94607-5200
(510) 987-0205

June 3, 2019

To: Docket Office
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814

Re: Docket 19-PSDP-01 2018 Power Source Disclosure Annual Report

The Regents of the University of California (UC), in its role as an Electric Service Provider (ESP; CPUC #1389) is subject to annual reporting requirements under the CEC's Power Source Disclosure Program. UC hereby submits this Application for Confidential Designation, respectfully requesting protection of the identified information from disclosure. This request refers to UC's Annual Report to the California Energy Commission: Power Source Disclosure Program for the Year Ending December 31, 2019, submitted under separate cover on May 21, 2019.

Please contact me at (510) 287-3360 if you have any questions or require additional information regarding this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cynthia Clark".

Cynthia Clark
Renewable Energy Manager

Attachment:
State of California Application for Confidential Designation



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: The Regents of the University of California, in its role as an ESP (CPUC#1389)

Address: c/o Mark Byron, 1111 Broadway, Oakland, CA 94607

Phone and E-mail: 510-287-3846, mark.byron@ucop.edu

Proceeding or Project Name: Power Source Disclosure Program - 2018

Docket Number: 19-PSDP-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.**

2018 Power Source Disclosure Annual Report of The Regents of the University of California (UC Regents), in its role as an Electric Service Provider (CPUC ESP #1389), dated May 21, 2019. Procurement (MWh) and retail sales (MWh) data in PSD Schedules 1 & 2.

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

PSD Schedule 1 - Power Procurements and Retail Sales: Gross MWh procured, MWh Resold or Self-Consumed, and Net MWh Procured (columns N, O, P) PSD Schedule 1 - Total Net Purchases (cell O24) and Total Retail Sales (cell O27). PSD Schedule 2 - Annual Power Content Label Calculation: Specified and Unspecified Net Purchases (cells C13 to C24; C26), Total Net Purchases (cell C28), and Total Retail Sales (cell C30).

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..



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

Applicant is an Electric Service Provider (ESP). Pursuant to Decisions 06-06-066 and 08-04-023, the CPUC affords confidentiality protection to the prior year's retail sales data of ESPs for one year. Applicant requests the CEC afford the same confidentiality protection to its 2018 retail sales and procurement data that could be used to derive its retail sales, such that the subject data is kept confidential until December 31, 2019.

- 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.

The subject data is commercially sensitive information that is subject to protection from public disclosure under the Public Records Act (see Govt. Code 6254.7(d)), and the CEC's regulations provide for such information to be kept confidential upon request (see 20 CCR 2505(a)(1)(D)).

- 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.

Disclosure of Applicant's 2018 retail sales or procurement data that could be used to derive its 2018 retail sales could, in combination with certain RPS-related procurement data Applicant is required to report to the CPUC that is not confidential, be used to derive the Applicant's RPS "net short" position, which information could in turn be used to the company's disadvantage by wholesale suppliers in commercial negotiations with Applicant for the purchase and sale of RPS-eligible electricity products, with no offsetting public interest benefit from public disclosure of said data.

- 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.

If the subject data is aggregated with the same type of data reported to the CEC by other ESPs, it could be publicly disclosed without risk of material harm to Applicant or its customers.

- 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.

The subject data is kept confidential by Applicant and has not been publicly disclosed as of the date of this application.

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: June 3, 2019

Signed: *Maugh B...*



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type): Mark Byron

Title: (print or type) Executive Director Renewable Energy Programs

Representing: The Regents of the University of California, in its role as an ESP

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