

DOCKETED	
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Project Title:	Electricity Resource Plans
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Document Title:	Application for Confidentiality
Description:	N/A
Filer:	Jim Dorrance
Organization:	East Bay Community Energy
Submitter Role:	Applicant
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June 30, 2021

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 21-IEPR-03
1516 Ninth Street
Sacramento, CA 95814

Re: EBCE's Application for Confidentiality for Electricity Demand Forecasts Forms 1.3, 8.1a and 8.1b.

EBCE hereby submits its application for confidentiality requesting data on Form 1.3: LSE Coincident Peak Demand by Sector, Form 8.1a: Budget Appropriations or Actual Costs and Cost Projections by Major Expense Category and Form 8.1b: Revenue Requirements Allocation be treated as confidential for the time period stated herein.

1. (a) Identification of Confidential Information

EBCE requests confidentiality treatment of certain data on Form 1.3, and confidentiality treatment of Forms 8.1a and 8.1b in their entirety.

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

EBCE requests confidentiality treatment of portions of data on Form 1.3, specifically the Residential, Commercial, and Total peak columns for the four-year period of 2021-2024.

EBCE also requests confidentiality treatment of Forms 8.1a and 8.1b in their entirety.

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

EBCE requests the information in Forms 1.3, 8.1a and 8.1b described above be maintained confidential for a period of three years forward from submission in the 2021 IEPR Docket. SCE's request is consistent with the California Public Utilities Commission's (CPUC) D.06-06-066, as modified by D.07-05-032, D.08-04-023, and D.20-07-005 (collectively, "Confidentiality Decisions"), and accompanying Confidentiality Matrices.

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.

In the Confidentiality Decisions referenced above, the CPUC adopted rules governing the submission of confidential energy procurement and market sensitive information to the CPUC by CCAs.¹ The Form 1.3 data is LSE specific peak demand information that reveals LSE Total Peak Load Forecast, which is confidential under the CPUC's ESP and CCA Confidentiality Matrix, Section III.B, for the front three years of the forecast data. Consistent protections should be provided across agencies, otherwise the CPUC's rules would be rendered ineffectual. This information is protected because it is market sensitive, and its release would place EBCE at an unfair competitive disadvantage.

Additionally, the Public Records Act exempts records subject to the privileges established in the Evidence Code from being disclosed (Gov't Code § 6254(k)). Evidence Code § 1060 et seq. provides a privilege for trade secrets, which includes information that derives independent economic value from not being generally known to the public or to other persons who could obtain value from its disclosure. The information in Forms 8.1a and 8.1b is confidential and market-sensitive information, which, if made public, would place EBCE at a competitive disadvantage to other LSEs and market participants. Therefore, confidential protection should be provided for this data.

(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.

As discussed above, information on forecasted peak load is market sensitive and its disclosure would place EBCE at a competitive disadvantage because market participants will have insight into EBCE's capacity and resource adequacy requirements. This insight undermines EBCE's ability to obtain the most competitive costs for our customers.

Similarly, the cost and revenue requirement information in Forms 8.1a and 8.1b is also market sensitive. Disclosing this information would reveal actual and forecasted cost

¹ D.20-07-005 modified Appendix 2 of D.06-06-066, to apply the Electric Service Provider ("ESP") Matrix to CCAs.

information that could compromise EBCE's ability to procure resources competitively. Because EBCE has a relatively small number of contracts, information could be derived on EBCE's existing contracts which would also place EBCE at a competitive disadvantage.

- 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.**

The data in Form 1.3 can be disclosed if aggregated by IOU planning area or with all other CCAs, but not for EBCE individually. The data in Forms 8.1a and 8.1b cannot be aggregated, masked, or otherwise protected.

- 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 data described above is confidential and has not been publicly disclosed.

6. Attestation

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 30, 2021

Signed: */s/Jim Dorrance*

Name: Jim Dorrance

Title: Power Resources Manager

Representing: East Bay Community Energy