

DOCKETED

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Project Title:	Electricity and Natural Gas Demand Forecast
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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: Silicon Valley Clean Energy Authority

Address: 333 W. El Camino Real, Suite 330, Sunnyvale CA 94087

Phone and E-mail: poonum.agrawal@svcleanenergy.org

Proceeding or Project Name: Electricity and Natural Gas Demand Forecast

Docket Number: Docket No. 21-IEPR-03

- 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.**

2021 IEPR Form 8.1a and 8.1b.

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

Form 8.1a,entire document; Form 8.1b, entire document.

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.

SVCE requests that the data be kept confidential for 3 years for the reasons set forth in Attachment 2.

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.

Cal. Govt. Code § 6254 (k); Cal. Evid. Code § 1060; Cal. Govt. Code § 6255.

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 SVCE's bilateral contract cost information and projected revenue would create a market disadvantage for SVCE and its customers and disrupt the normal function of California's electricity markets. Further, SVCE does not publicly disclose the information required in Form 8.1b and this information could potentially be used to derive confidential information in form 8.1a and used to undermine SVCE's negotiation position, which distorts competition in the electricity market.

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 question can be disclosed if it is aggregated with other LSE's bilateral contract cost information at a level that does not permit SVCE's confidential information to be derived from the aggregated data.

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.

SVCE keeps bilateral contract costs confidential and does not publicly disclose this market sensitive information. SVCE also does not publicly disclose Total Revenue Requirements or the subcategories listed in Form 8.1b.

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/ Poonum Agrawal



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type): Poonum Agrawal

Title: (print or type) Senior Regulatory Analyst

Representing: Silicon Valley Clean Energy Authority

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

Attachment 2

June 30, 2021

Drew Bohan, Executive Director
Docket No. 21-IEPR-03 Electricity and Natural Gas Demand Forecast
California Energy Commission
1516 Ninth Street,
Sacramento, CA 95814

Re: Application of Silicon Valley Clean Energy Authority for Confidential Designation of Information Contained in its 2021 Electricity Forecast Demand Forms (Forms 8.1a and 8.1b)

Dear Mr. Bohan,

Silicon Valley Clean Energy Authority (“SVCE”) requests the California Energy Commission (“Commission”) designate information included in SVCE’s completed 2021 Electricity Demand Forecast Forms 8.1a and 8.1b as confidential pursuant to Title 20, Cal. Code. Regs. (“CCR”), Section 2505 et seq. and the justifications set forth below. In accordance with the CEC’s *Forms and Instructions for Submitting Electricity Demand Forecasts Prepared in Support of the 2021 Integrated Energy Policy Report*, SVCE provides the following information in support of its application for confidential designation.

Contact Information

Applicant: Silicon Valley Clean Energy Authority
Address: 333 W. El Camino Real, Suite 330
Sunnyvale, CA 94087

All correspondence regarding this filing should be transmitted by electronic mail to the attention of:

Poonum Agrawal
Senior Regulatory Analyst
Silicon Valley Clean Energy Authority
poonum.agrawal@svcleanenergy.org

Description and Identification of Confidential Information

SVCE seeks confidential treatment for the entirety of Form 8.1a, which contains information relating to budget appropriations, actual costs, and other projected costs. SVCE further requests confidential treatment for the entirety of Form 8.1b, which includes confidential total revenue requirements, separated by customer class. SVCE has yellow-highlighted the confidential information in SVCE’s Forms 8.1a and 8.1b in the Electricity Demand Forecast Forms.

Length of Time the Information Should Be Kept Confidential

SVCE requests that the information in Forms 8.1a and 8.1b be kept confidential for a period of 3 years. This length of time is needed to ensure that SVCE's detailed bilateral contract cost information and other projected costs remain secure from market participants who could otherwise make competitive use of this information to the detriment of SVCE, SVCE's ratepayers, and the electricity market as a whole. Further, it is reasonable to keep the information contained in 8.1b confidential for 3 years because some of the information is derived, in part, from the aforementioned cost information. Additionally, SVCE's contract negotiating position could be compromised by comparing the projected revenue requirement to other public information to derive information about SVCE's financial status. Due the similar impact, the information should also be provided 3 years of protection.

Provisions of Law Allowing the Commission to Keep the Documentation Confidential

The Public Records Act exempts from disclosure records that are exempted pursuant to state law, including provisions of the Evidence Code. The Evidence Code provides a privilege for trade secrets and allows the owner of a trade secret to prevent another from disclosing it. In an analogous context, "trade secrets" has been defined to include "information, including a formula, pattern, compilation, program, device, method, technique, or process, that... [d]erives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use..." Further, the Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage."

The Public Records Act also permits the Commission to withhold any record where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Thus, even if there were no trade secret exemption, there is still a separate basis for not publicly releasing SVCE's confidential information due to its ability to undermine SVCE's market position and disrupt energy markets more generally.

SVCE requests that the identified portions of Form 8.1a are kept confidential because they contain actual, budgeted, and projected cost information. SVCE is a relatively small program compared to the large investor-owned utilities ("IOUs") like Pacific Gas and Electric ("PG&E"), and SVCE procures its electricity through a relatively small number of contracts. If provided with SVCE's cost information for energy contracts, other market participants could easily estimate the cost of individual project contracts, giving suppliers and competitors an advantage and harming SVCE and its customers. The other cost information required in Form 8.1a could be used to derive SVCE's bilateral contract costs.

SVCE requests that the identified portions of Form 8.1b are kept confidential because they contain confidential revenue projections and other financial information that could be used to undermine SVCE's negotiating position. SVCE's contract negotiating position could be compromised by comparing the projected revenue requirement to other public information to derive information about SVCE's financial status. Thus, the public interest in nondisclosure of this information outweighs any interest in public disclosure of this information.

The Submitted Information Is Presently Confidential

SVCE does not publicly disclose its bilateral contract prices, actual costs, projected costs, or projected revenues, which is information required in Forms 8.1a and 8.1b. SVCE considers such information market sensitive, as public disclosure of this information could compromise SVCE's competitive position in the electricity market.

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

Dated: June 30, 2021

/s/ Poonum Agrawal

Poonum Agrawal
Senior Regulatory Analyst
Silicon Valley Clean Energy Authority
poonum.agrawal@svcleanenergy.org