

DOCKETED

Docket Number:	21-IEPR-03
Project Title:	Electricity and Natural Gas Demand Forecast
TN #:	238604
Document Title:	SJCE Request for Confidentiality of IEPR 2021 Demand Forecast Forms
Description:	N/A
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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:

Address:

Phone and E-mail:

Proceeding or Project Name:

Docket Number:

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.**

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

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.

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.

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.

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.

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.

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: _____

Signed: _____



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

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CALIFORNIA ENERGY COMMISSION

Name (print or type): _____

Title: (print or type) _____

Representing: _____

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

Attachment 1

June 30, 2021

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

RE: **Docket No. 21-IEPR-03 – Electricity and Natural Gas Demand Forecast**
Application of City of San Jose, administrator of San Jose Clean Energy for Confidential Designation of Information Contained in its 2021 Integrated Energy Policy Report Demand Forecast Forms.

Director Bohan,

The City of San Jose, administrator of San Jose Clean Energy (“SJCE”) requests that certain information included in its completed 2021 Integrated Energy Policy Report (“IEPR”) Demand Form (Form 8.1a and Form 8.1b) being submitted to the California Energy Commission (“CEC”) be designated confidential pursuant to Title 20, Cal. Code. Regs., Section 2505 et seq.

In accordance with the CEC’s *Forms and Instructions for Submitting Electricity Demand Forecasts Prepared in Support of the 2021 Integrated Energy Policy Report*, SJCE is providing the following information in support of its application for confidentiality designation.

Contact Information

Applicant: City of San Jose, administrator of San Jose Clean Energy
Address: 200 E. Santa Clara Street, 14th Floor
San Jose, California 95113

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

Cara Koepf
Power Resources Specialist II
City of San Jose, administrator of San Jose Clean Energy
Cara.Koepf@sanjoseca.gov

Description and Identification of Confidential Information

SJCE seeks confidential treatment of information regarding budget appropriations, actual costs, and projected costs for bilateral power purchase contracts provided in Columns C to I of Rows 36

to 42 and 62 of SJCE’s 2021 IEPR Form 8.1a (CCA) – “Budget Appropriations or Actual Costs and Cost Projections by Major Expense Category.” In addition, SJCE seeks confidential treatment of information regarding its revenue requirements allocation provided in Columns B to H of Rows 9 to 16 of SJCE’s 2021 IEPR Form 8.1(b) – “Revenue Requirements Allocation.” The information subject to SJCE’s confidentiality application has been highlighted in yellow cell-fill in SJCE’s confidential Form 8.1a and Form 8.1b submissions.

Length of Time the Information Should be Kept Confidential

SJCE requests that the confidential information described in the previous section be kept confidential for a period of three (3) years. This length of time is needed to ensure that SJCE’s detailed bilateral contract cost information remains secure from market participants who could otherwise make competitive use of this information to the detriment of SJCE, its customers, and the electricity market as a whole.

Justification for Request of Confidential Treatment

The Public Records Act exempts “trade secrets” from public disclosure, including “any formula, plan, ... production data, or compilation of information ..., which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Govt. Code § 6254.7(d); *see also*, §§ 6254(k) and 6254.15). The Public Records Act also exempts records from public disclosure if the public interest in nondisclosure clearly outweighs the public interest in disclosure (Govt. Code § Section 6255(a)).

The CEC’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.” (20 CRR § 2505(a)(1)(D).)

Form 8.1a contains actual, budgeted, and projected cost information for SJCE’s bilateral contracts. SJCE is a relatively small program as compared to large investor-owned utilities such as Pacific Gas & Electric, and SJCE procures its electricity through a relatively small number of contracts. Form 8.1b contains revenue requirements allocation information, which is derived from confidential information included in Form 8.1a.

If provided with SJCE’s cost information for energy contracts, other market participants could estimate the cost of individual project contracts and open portfolio position, giving suppliers and competitors an advantage and harming SJCE and its customers. SJCE does not publicly disclose its bilateral contract prices, actual costs, projected costs, or revenue requirements allocation information. SJCE considers such information to be market sensitive and trade secrets, as public disclosure of this information could compromise SJCE’s competitive position in the electricity market and would likely result in higher costs for SJCE customers.

It is also in the public interest to keep the specified information in Forms 8.1a and 8.1b confidential, outweighing the public interest in making this data public under Government Code,

section 6255(a). Maintaining the confidentiality of this confidential information allows SJCE to maintain business relationships with developers without disclosing their market-sensitive and proprietary data. Developers are private parties that require confidentiality of their market-sensitive and proprietary information such as pricing to engage in business with SJCE and other load-serving entities. Absent participation from private developers, SJCE would be impaired in its ability to enter into long-term power purchase agreements and provide cost-effective services to its customers.

Declaration

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 SJCE.

Dated: June 30, 2021

/s/ Cara Koepf

Cara Koepf
Power Resources Specialist II
City of San Jose, administrator of San Jose Clean Energy
Cara.Koepf@sanjoseca.gov