

DOCKETED

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Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
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December 17, 2021

Via Email

Robert Butrico
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APPLICATION FOR CONFIDENTIAL DESIGNATION: Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802, Docket No. 15-OIR-05

Dear Robert Butrico:

The California Energy Commission (CEC) received AT&T Communications, Inc.'s (applicant) application for confidential designation (application) on August 25, 2021. The application seeks confidential designation for the following:

All information contained on the July 9, 2021 AT&T Benchmarking Confidentiality Request Spreadsheet including building address, gross floor area, year built, occupancy, annual electricity usage, and annual natural gas usage.

The application states that the information concerns critical infrastructure and seeks confidential designation pursuant to California Code of Regulations, title 20, section 2505(a)(4), and California Government Code section 6254.16(f). It states that confidentiality is necessary "to protect and preserve U.S. national security."

The CEC's building energy benchmarking program regulations are set forth in Title 20, California Code of Regulations, sections 1680-1685. The regulations address what types of buildings are required to submit benchmarking information to the CEC and what information that is submitted is required to be public. The application seeks confidentiality for categories of data that are already in the public domain and specifically identified as public data under Title 20, California Code of Regulations, section 1683(c). These categories include the address of the building, gross floor area, and year built. Of the categories subject to the application, both annual electricity and gas usage may be designated as confidential proprietary trade secrets if certain requirements set forth in the

benchmarking program are met. These requirements can be found in the CEC's regulations at Title 20, California Code of Regulations, sections 1681(d), 1683(b)(4), 1683(b)(3) and 1683(c).

To utilize the confidentiality provisions within the benchmarking program, the building must be a disclosable building with fewer than three active utility accounts of any energy type serving the building, one of which belongs to the building owner, where the other utility customer, if applicable, has consented to the provision of data to facilitate public disclosure. For this case the building owner may seek a determination from the Executive Director that release of energy use data would result in the release of proprietary information that can be characterized as a trade secret.

Alternatively, for a disclosable building with fewer than three active utility accounts, where one or more utility customer other than the building owner have not granted permission to have their energy use data publicly disclosed, the CEC will not disclose monthly or annual energy use by energy type.

The application does not provide sufficient information to determine whether any of the listed 82 buildings meet these threshold requirements. To consider your application, it will need to be supplemented consistent with Title 20, California Code of Regulations, sections, 1683(b)(3), 1683(b)(4), 1683(c)(3) and 2505(a)(1)(D) to support a claim that monthly or annual energy use data is confidential. To use the alternative above, please identify any disclosable building in which fewer than three active utility accounts exist and one or more utility customers other than the building owner have not granted permission to have their energy use data publicly disclosed. Please file a new application with clarifying information within 14 days from the date of this letter into docket number 15-OIR-05 along with the records to be designated confidential.

If you have any questions concerning this matter, please contact Raj K. Dixit, attorney III, at [\(916\) 776-3055](tel:9167763055) or Raj.Dixit@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director