

DOCKETED

Docket Number:	13-ATTCP-01
Project Title:	Acceptance and Training Certification
TN #:	211665
Document Title:	Application for Confidentiality - 2016 Standards Update
Description:	N/A
Filer:	Sabrina Savala
Organization:	NEMIC
Submitter Role:	Applicant
Submission Date:	5/27/2016 12:28:02 PM
Docketed Date:	5/26/2016

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

An application to keep a record confidential shall be submitted directly to the **Docket Unit** on electronic media, but not by email. Five electronic (5) copies of the record for which confidentiality is sought must be submitted, on separate media, each marked on the media with the title of the record and “confidential.” (§ 1209.5, subd. (a)(4).). The application may be on a sheet separate from, but attached to, the record. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission.(§ 2505, subd. (a).) (Nov 30, 2011 Standing Order)

TO: Energy Commission Docket Unit.

RE: California Code of Regulations, Title 24, Part 1 10-103.2 – Nonresidential Mechanical Acceptance Test Training and Certification, Section (d) Requirements for ATTCPs to Provide Regular Reports

APPLICANT: National Energy Management Institute Committee (NEMIC) in its role as California Energy Commission-approved Mechanical Acceptance Test Technician Certification Provider

ADDRESS: 8403 Arlington Blvd., Suite 100, Fairfax, VA 22031

- 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.**

TITLE: 2015 Annual Report to the CEC per Title 24, Part 1, Section 10-103.2(c)2

Description:

“California 2016 Title 24 Acceptance Testing Employers Certification Exam Questions_160520_DRAFT” [26 pages]

California 2016 Title 24 Acceptance Testing Technicians Certification Exam Questions_160520-DRAFT [50 pages]

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

Applicant requests that all of the information and data contained in documents, as described in Section 1(a), be designated confidential.

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

Applicant requests that the information and data be kept confidential indefinitely to protect Applicant’s trade secrets. Because this will be an ongoing certification program, there is no date certain for when this information will no longer need to be kept 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.

The California Public Records Act allows for the non-disclosure of trade secrets. (Gov. Code, §§ 6254(k), 6276.44; see also Evid. Code, § 1060.)

- 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.

The record should not be disclosed because it contains trade secrets, or its disclosure would otherwise cause loss of a competitive advantage.

The specific nature of the advantage -The confidential record is of a technical nature which provides a business advantage over parties without access to the information. The certification exams were developed for individuals interested in becoming certified as Mechanical Acceptance Test Employers or Technicians. As other entities can become acceptance technician certification providers; making this information public would impact NEMIC'S competitive advantage.

How the advantage would be lost -Time and resources have been spent compiling the information within the confidential record and the value of the information would be significantly impaired if made available to the public.

The value of the information to the applicant -The confidential record is valuable to the project because of: (1) the time and resources expended to compile the information; (2) the efforts to maintain the confidentiality of the confidential record; and (3) the use of the information to facilitate ongoing business activities.

The ease or difficulty with which the information could be legitimately acquired or duplicated by others -The confidential record is not readily available on the marketplace and can only be obtained with a significant investment of time and money. Thus, others could not easily acquire or duplicate this information.

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 materials sought to be designated as confidential are part of the 2016 annual report to the California Energy Commission as required under Title 24 Part 1, Section 10-103.2(c)2. All the information in these document may be disclosed to the public except for the materials described in Section 1(a):

- "California 2016 Title 24 Acceptance Testing Employers Certification Exam Questions_160520_DRAFT" [26 pages]

- California 2016 Title 24 Acceptance Testing Technicians Certification Exam Questions_160520-DRAFT [50 pages]

4. 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 Applicant has not disclosed any of the subject confidential information to anyone other than certain authorized employees, attorneys, consultants, program administrators, and others with a specific need for the information.

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 and that I am authorized to make the application and certification on behalf of the applicant.

Dated: _____

Signed: _____

Name (print or type): David Bernett

Title: (print or type) Administrator, National Energy Management Institute Committee