

**DOCKETED**

<b>Docket Stamp Updated:</b>	8/10/2022 11:01:58 AM
<b>Docket Number:</b>	13-ATTCP-01
<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	244421
<b>Document Title:</b>	CEC Response Letter Regarding CALCTP's Application for Confidentiality - 6-27-22
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/10/2022 11:00:14 AM
<b>Docketed Date:</b>	8/10/2022

**DOCKETED**

<b>Docket Number:</b>	13-ATTCP-01
<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	244421
<b>Document Title:</b>	CEC Response Letter Regarding CACTP's Application for Confidentiality - 6-27-22
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/10/2022 10:59:34 AM
<b>Docketed Date:</b>	8/10/2022



August 10, 2022

**Via Email**

Mark V. Ouellette  
ICF International  
555 West 5<sup>th</sup> Street, Suite 3100  
Los Angeles, California 90013  
[mark.ouellette@icf.com](mailto:mark.ouellette@icf.com)

**CALCTP Repeated Application for Confidentiality  
Docket No. 13-ATTCP-01**

Dear Mark Ouellette:

The California Energy Commission (CEC) has received CALCTP's (CALCTP or applicant) application for confidential designation, docketed June 27, 2022, covering:

1. CALCTP - AT V4 Technician Certification Curriculum – Clean, XX pages
2. CALCTP - AT V4 Technician Certification Curriculum – Redline, XX pages
3. CALCTP - AT V4 Technician Certification Lab Activities - Clean, 34 pages
4. CALCTP - AT V4 Certification Lab Activities Redline, 37 pages
5. CALCTP - AT V4 Classroom Exercises – New, 45 pages
6. CALCTP - AT V4 Quizzes and Test Bank, Clean, 24 pages
7. CALCTP - AT V4, Quizzes and Test Bank, Redline, 24 pages
8. CALCTP - AT V4 Technical Recertification – Clean, 120 pages
9. CALCTP - AT V4 Technical Recertification – Redline, 121 pages
10. CALCTP - AT V4 Technical Recertification – New Exercise, 34 pages
11. CALCTP - AT V4 Recertification Quizzes and Test Bank, Clean, 9 pages
12. CALCTP - AT V4 Recertification Quizzes and Test Bank, Redline, 6 pages
13. CALCTP - AT V4 Employer Recertification Clean, 112 pages
14. 3 CALCTP - AT V4 Employer Recertification Redline, 117 pages
15. CALCTP NRCA-LTI-02-A form, 9 pages
16. CALCTP NRCA-LTI-03-A form, 8 pages
17. CALCTP NRCA-LTI-04-A form, 11 pages
18. CALCTP NRCA-LTI-05-A form, 5 pages
19. CALCTP NRCA-LTI-02-A form, 4 pages

The application requests confidentiality of these documents pursuant to California Code of Regulations, title 20, section 2505(a)(4), stating that, on "November 13, 2013, the Executive Director of the California Energy Commission granted

confidential status to the CALCTP ATTCP Curriculum materials, including online proprietary NRCA forms, and test bank questions.”

On November 26, 2013, the executive director granted CALCTP’s application for confidential designation of its “training modules addressing various technical areas an Acceptance Technician would need to demonstrate competence in before being certified.” The basis of this approval was a determination that the application met the requirements for designating trade secret materials as confidential.

On April 18, 2016, the CEC approved an application for confidential designation of the following records:

1. CALCTP Acceptance Technician Curriculum
2. CALCTP Test Acceptance Technician Questions Bank
3. CALCTP Acceptance Technician/Employer Recertification Curriculum
4. CALCTP overview of changes to 2016 acceptance test forms
5. CALCTP Acceptance Test Employer Certification Curriculum
6. CALCTP Test Acceptance Employer Questions Bank

The basis of this designation was again that the materials were shown to meet the requirements of California Code of Regulations, title 20, section 2505(a)(3)(D) for trade secrets.

A review of the documents submitted with the pending application establishes that they are substantially similar to the documents previously submitted that were designated confidential. However, the regulation relied on for the current application, California Code of Regulations, title 20, section 2505(a)(4), also requires that CALCTP assert the facts and circumstances relevant to the prior confidentiality determination remain unchanged. The application makes no reference to whether the circumstances remain the same as they were in either 2013 or 2016.

The applicant has not established that the documents qualify for confidential designation pursuant to California Code Regulations, title 20, section 2505(a)(4).

### **Executive Director’s Determination**

For the reasons stated, the applicant's confidentiality application is denied.

The records submitted by CALCTP shall be deemed confidential for 14 days from the date of this letter, permitting the applicant to resubmit a request that satisfies all requirements. (Cal. Code Regs., tit. 20, § 2505(3)(B).) If resubmitting, please provide

Mike Ouellette  
August 10, 2022  
Page 3

the required information about whether the circumstances relevant to confidentiality presented in the earlier application remains unchanged.

If you have any procedural questions concerning this application for confidential designation, please contact Kari Anderson, staff counsel, at [kari.anderson@energy.ca.gov](mailto:kari.anderson@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Drew Bohan', written in a cursive style.

Drew Bohan  
Executive Director