

## DOCKETED

<b>Docket Number:</b>	13-ATTCP-01
<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	212141
<b>Document Title:</b>	NEBB Application for Confidential Designation
<b>Description:</b>	2013 and 2016 ATE training materials
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	NEBB
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	7/6/2016 2:50:34 PM
<b>Docketed Date:</b>	7/6/2016



**NEBB**

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**APPLICATION FOR CONFIDENTIAL DESIGNATION  
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

To: Energy Commission Docket Unit

July 06, 2016

Attn. Ms. Patricia Paul

Applicant: NEBB  
Address: 8575 Grovemont Circle, Gaithersburg, MD 20877  
Phone and Email: 301-977-3698 / [Don@NEBB.org](mailto:Don@NEBB.org)  
Proceeding or Project Name: NEBB Title 24 ATTCP Program  
Docket Number: 13-ATTCP-01

Dear Ms. Paul,

This letter constitutes NEBB's application for confidential designation for the materials provided under our 2016 ATTCP update report to the Energy Commission.

**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.**

There are a total of 2,553 pages included in this submission. For the sake of brevity in this response, the documents include training and exam materials for our 2013 and 2016 programs. A complete table of documents has been included at the end of this letter.

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

2013 ATE modified training materials  
2013 ATT modified training materials  
2016 ATE training materials  
2016 ATT training materials  
2016 ATE exam materials  
2016 ATT exam materials

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

The documents classified as confidential should remain classified indefinitely. The training materials are copyrighted and constitute works for sale. The exam materials must also remain confidential; even as new Standards are adopted by the CEC, many of the exam questions will still be relevant. Those that are not would still provide prospective candidates information as to the type and scope of questions on the exam.

- 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 curriculum was developed with considerable effort from volunteers currently engaged in mechanical acceptance testing in California. The developed content was converted into an on-line/on-demand format at considerable expense to NEBB. Allowing persons outside of the CEC to view that information would eliminate NEBB's competitive advantage over the competing ATTCP's.

- 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 cannot be disclosed even if aggregated or masked as it would likely provide the end-viewer with insight as to the nature of the exam questions and format of the training materials.

- 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.


The information is kept on a secured server in NEBB's office. The information is only shared with vendors (exam proctors, etc.) under the protection of a confidentiality agreement.

The material is provided to applicants once they have paid the costs associated with training and testing; however those applicants sign a statement of confidentiality not to reproduce the information.

We hope that the California Energy Commission finds this application for confidential designation acceptable. Please do not hesitate to contact us if you have any questions regarding this application.

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.

Best regards,



Bohdan Fedyk, Technical Director & Title 24 Program Lead  
National Environmental Balancing Bureau

## TABLE OF DOCUMENTS

DOCUMENT	PAGES	STATUS
<b>2016 TRAINING UPLOADS</b>		
2016 Employer PPT - 30Jun16	541	Confidential
2016 T-MCH-02-CAV - 29Jun16	46	Confidential
2016 T-MCH-02-VAV - 29Jun16	55	Confidential
2016 T-MCH-03 - 29Jun16	50	Confidential
2016 T-MCH-05 - 29Jun16	124	Confidential
2016 T-MCH-06 - 29Jun16	32	Confidential
2016 T-MCH-07 - 29Jun16	50	Confidential
2016 T-MCH-08 - 29Jun16	28	Confidential
2016 T-MCH-09 - 29Jun16	33	Confidential
2016 T-MCH-10 - 29Jun16	32	Confidential
2016 T-MCH-11 - 29Jun16	24	Confidential
2016 T-MCH-12 - 29Jun16	24	Confidential
2016 T-MCH-13 - 29Jun16	39	Confidential
2016 T-MCH-14 - 29Jun16	25	Confidential
2016 T-MCH-15 - 29Jun16	32	Confidential
2016 T-MCH-16 - 29Jun16	30	Confidential
2016 T-MCH-17 - 29Jun16	34	Confidential
2016 T-MCH-18 - 29Jun16	19	Confidential
<b>2013 TRAINING UPLOADS</b>		
2013 Employer PPT - 13Jun16	536	Confidential
2013 T-MCH-02-CAV - 15Jun16	46	Confidential
2013 T-MCH-02-VAV - 15Jun16	55	Confidential
2013 T-MCH-03 - 22May16	50	Confidential
2013 T-MCH-05 - 22May16	96	Confidential
2013 T-MCH-06 - 22May16	41	Confidential
2013 T-MCH-07 - 22May16	48	Confidential
2013 T-MCH-08 - 15Jun16	28	Confidential
2013 T-MCH-09 - 15Jun16	32	Confidential
2013 T-MCH-10 - 15Jun16	31	Confidential
2013 T-MCH-11 - 16Jun16	24	Confidential
2013 T-MCH-12 - 16Jun16	25	Confidential
2013 T-MCH-13 - 16Jun16	40	Confidential
2013 T-MCH-14 - 16Jun16	26	Confidential
2013 T-MCH-15 - 26May16	30	Confidential
2013 T-MCH-16 - 16Jun16	30	Confidential
2013 T-MCH-17 - 16Jun16	33	Confidential
2013 T-MCH-18 - 16Jun16	19	Confidential

<b>DOCUMENT</b>	<b>PAGES</b>	<b>STATUS</b>
<b>2016 EXAM UPLOADS</b>		
<b>Employer Exams</b>		
2016 Employer Certification Written Exam - Part I - V1 - 30Jun16	5	Confidential
2016 Employer Certification Written Exam - Part 2 - V1 - 30Jun16	4	Confidential
2016 Employer Certification Written Exam - Part I - V2 - 30Jun16	5	Confidential
2016 Employer Certification Written Exam - Part 2 - V2 - 30Jun16	4	Confidential
<b>Technician Exams</b>		
2016 CEC-MCH-02A & 03A - V.1 - 30Jun16	9	Confidential
2016 CEC-MCH-02A-CAV & 03A - V.1 - 30Jun16	8	Confidential
2016 CEC-MCH-02A-VAV Upgrade Exam (Version 1) - 30Jun16	2	Confidential
2016 CEC-MCH-05A - V.1 - 30Jun16	10	Confidential
2016 CEC-MCH-06A - V.1 - 30Jun16	4	Confidential
2016 CEC-MCH-07A. 16A - V.1 - 30Jun16	7	Confidential
2016 CEC-MCH-08A, 09A, 10A, & 17A - V.1 - 30Jun16	9	Confidential
2016 CEC-MCH-11A & 18A - V.1 - 30Jun16	4	Confidential
2016 CEC-MCH-12A, 13A - V.1 - 30Jun16	5	Confidential
2016 CEC-MCH-14A & 15A - V.1 -30Jun16	3	Confidential
CEC-MCH-02A & 03A - V.2 - 30Jun16	10	Confidential
CEC-MCH-02A-CAV & 03A - V.2 - 30Jun16	8	Confidential
CEC-MCH-02A-VAV Upgrade Exam (Version 2) - 30Jun16	2	Confidential
CEC-MCH-05A - V.2 -30Jun16	10	Confidential
CEC-MCH-06A - V.2 - 30Jun16	4	Confidential
CEC-MCH-07A. 16A - V.2 - 30Jun16	7	Confidential
CEC-MCH-08A, 09A, 10A, & 17A - V.2 - 30Jun16	9	Confidential
CEC-MCH-11A & 18A - V.2 - 30Jun16	5	Confidential
CEC-MCH-12A, 13A - V.2 - 30Jun16	5	Confidential
CEC-MCH-14A & 15A - V.2 - 30Jun16	3	Confidential
<b>NEBB 2016 UPDATE REPORT</b>		
NEBB ATTCP Update Report to CEC_2016-07-01	3	Public