

## DOCKETED

<b>Docket Number:</b>	13-ATTCP-01
<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	214643
<b>Document Title:</b>	NEBB Application for confidential designation
<b>Description:</b>	N/A
<b>Filer:</b>	Sabrina Savala
<b>Organization:</b>	NEBB
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	12/6/2016 2:24:50 PM
<b>Docketed Date:</b>	12/6/2016



**NEBB**

8575 Grovemont Circle, Gaithersburg MD 20877-4121  
• TEL (301) 977-3698 • FAX (301) 977-9589  
www.nebb.org



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

To: Energy Commission Docket Unit

November 23, 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 updated training materials submission 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.**

DOCUMENT	PAGES	STATUS
<b>2016 TRAINING UPLOADS</b>		
2016 Employer PPT - 30Jun16	3	Confidential
2016 T-MCH-02-CAV - 29Jun16	3	Confidential
2016 T-MCH-02-VAV - 29Jun16	3	Confidential
2016 T-MCH-03 – 2016-11-21	3	Confidential
2016 T-MCH-05 - 29Jun16	3	Confidential
2016 T-MCH-06 - 29Jun16	3	Confidential
2016 T-MCH-07 - 29Jun16	3	Confidential
2016 T-MCH-08 - 29Jun16	3	Confidential
2016 T-MCH-09 - 29Jun16	3	Confidential
2016 T-MCH-10 - 29Jun16	3	Confidential
2016 T-MCH-11 - 29Jun16	3	Confidential
2016 T-MCH-12 - 29Jun16	3	Confidential
2016 T-MCH-13 - 29Jun16	3	Confidential
2016 T-MCH-14 - 29Jun16	3	Confidential
2016 T-MCH-15 - 29Jun16	3	Confidential
2016 T-MCH-16 - 29Jun16	3	Confidential
2016 T-MCH-17 - 29Jun16	3	Confidential
2016 T-MCH-18 - 29Jun16	3	Confidential

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

2016 ATE updated training materials (works for sale)

2016 ATT updated training materials (works for sale)

- 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 provide free access to NEBB's proprietary materials.

- 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.

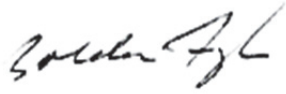
The information is kept on a secured server in NEBB's office. The information is only shared with vendors (exam proctors, etc.) under the protection of a confidentiality agreement.

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,

A handwritten signature in black ink, appearing to read "Bohdan Fedyk". The signature is written in a cursive style with a large, stylized initial "B".

Bohdan Fedyk, Technical Director & Title 24 Program Lead  
NEBB