

DOCKETED

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October 11, 2022

Via Email

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**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) supplemental repeated application for confidential designation, docketed August 17, 2022, correcting a deficiency identified in repeated applications filed on June 27, 2022 (TN 243729), and August 5, 2022 (TN 244317). The applications cover CALCTP ATTCP Curriculum Update materials to reflect changes in the 2022 edition of Title 24 and to make various editorial improvements in the curriculum, as follows:

June 27, 2022, Application documents:

1. CALCTP - AT V4 Technician Certification Curriculum – Clean, 254 pages
2. CALCTP - AT V4 Technician Certification Curriculum – Redline, 262 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

August 5, 2022, Application documents:

1. CALCTP - AT V4 Employer Certification Curriculum – Clean, 174 pages
2. CALCTP - AT V4 Employer Certification Curriculum – Redline, 184 pages
3. CALCTP - ATE V4, Certification Quizzes, 5 pages
4. CALCTP - ATE V4, Employer Final Exam and Answers, 10 Pages

The applicant requests confidentiality of these documents pursuant to California Code of Regulations, title 20, section 2505(a)(4). The applicant states that the CEC previously granted confidential status to the CALCTP ATTCP Curriculum and testing materials, including online proprietary NRCA forms, and test bank questions. According to the applicant, the “training modules [address] various technical areas an Acceptance Technician would need to demonstrate competence in before being certified.”

On November 26, 2013 (TN 72380), the CEC determined that the application met the requirements for designating trade secret materials as confidential in that the “information has been developed exclusively by the applicant, contains information that is not public, has the potential for economic advantage and public release of the materials may compromise the training and technician certification program.” The determination also stated that the “Public Records Act specifically allows for the non-disclosure of test questions, scoring keys and other examination data used to administer various types of examinations.” (Gov. Code, § 6254, subd. (g).)

On April 18, 2016, and July 16, 2019, the CEC approved applications for confidential designation of curriculum and test questions. 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.

The current repeated applications note that the curriculum and test questions contain information substantially similar to information previously deemed confidential, and the facts and circumstances relevant to the confidentiality of the information remain unchanged. California Code of Regulations, title 20, section 2505(a)(4) states:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the executive director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of

perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has met the requirements of the repeated application and corrected the previous lack of attestation that the facts and circumstances remain unchanged.

Executive Director's Determination

For the reasons stated, the repeated applications for confidential designation are approved and confidentiality is granted under the same terms as previously designated. The curriculum and test questions will be maintained as confidential for the life of the program.

Be advised that under the California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in the California Code of Regulations, title 20, sections 2506-2508.

You may seek a confidential designation for information that is substantially similar to information for which an application for confidential designation was granted by the executive director by following the procedures in the California Code of Regulations, title 20, section 2505(a)(4).

If you have any procedural questions concerning this matter, please email Jared Babula, attorney, at Jared.babula@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director