

**DOCKETED**

<b>Docket Number:</b>	13-ATTCP-01
<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	246499
<b>Document Title:</b>	CEC's Response Letter to NEMIC's Application for Confidentiality (9-2-22)
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
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October 12, 2022

**Via Email**

David Bernett  
National Energy Management Institute Committee  
3180 Fairview Park Drive, Suite 400  
Falls Church, Virginia 22042  
[dbernett@nemiconline.org](mailto:dbernett@nemiconline.org)

**NEMIC Repeated Application for Confidential Designation  
Docket No. 13-ATTCP-01**

Dear David Bernett:

The California Energy Commission (CEC) has received four National Energy Management Institute Committee's (NEMIC or applicant) applications for confidential designation, docketed September 2, 2022, with docket numbers TN 245793, TN 245797, TN 245798, and TN 245799. The applications request confidentiality on grounds that the named documents are similar to those previously designated as confidential on April 21, 2014, June 14, 2016, July 12, 2018, and April 1, 2019.

The applicant states under penalty of perjury that, "The information contained in these amended appendices is substantially similar to the previously submitted information and all facts and circumstances relevant for confidentiality remain unchanged." (California Code of Regulations, tit. 20, § 2505, subd. (a)(3).)

The comprehensive list of documents referenced in each application filed on September 2, 2022 (TN 245793, TN 245797, TN 245798, TN 245799) is as follows:

- Attachment 3.2\_M1\_MATT\_L1\_Recertification\_2022\_220831
- Attachment 3.2\_M1\_MATT\_L2\_Recertification\_2022\_220831
- Attachment 3.2\_M2\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M3\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M4\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M5\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M6\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M7\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M8\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M9\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M10\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M11\_MATT\_Recertification\_2022\_220831

- Attachment 3.2\_M12\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M13\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M14\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M15\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M16\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M17\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M18\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M19\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20a\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20b\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20c\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20d\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M21\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M22\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M23\_MATT\_Recertification\_2022\_220831

The above-referenced documents were docketed as follows:

**TN 245793 (Docket Date, September 2, 2022)**

2022 Amended Mechanical ATTCP Application – Updates to the following Attachments:

- Attachment 3.2\_M1\_MATT\_L1\_Recertification\_2022\_220831
- Attachment 3.2\_M1\_MATT\_L2\_Recertification\_2022\_220831
- Attachment 3.2\_M2\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M3\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M4\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M5\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M6\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M7\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M8\_MATT\_Recertification\_2022\_220831

**TN 245797 (Docket Date, September 2, 2022)**

2022 Amended Mechanical ATTCP Application – Updates to the following Attachments:

- Attachment 3.2\_M9\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M10\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M11\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M12\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M13\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M14\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M15\_MATT\_Recertification\_2022\_220831

**TN 245798 (Docket Date, September 2, 2022)**

2022 Amended Mechanical ATTCP Application – Updates to the following Attachments:

- Attachment 3.2\_M16\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M17\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M18\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M19\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20a\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20b\_MATT\_Recertification\_2022\_220831

**TN 245799 (Docket Date, September 2, 2022)**

2022 Amended Mechanical ATTCP Application – Updates to the following Attachments:

- Attachment 3.2\_M20c\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M20d\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M21\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M22\_MATT\_Recertification\_2022\_220831
- Attachment 3.2\_M23\_MATT\_Recertification\_2022\_220831

California Code of Regulations, title 20, section 2505(a)(4) provides: Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC 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 applications previously submitted by the applicant were granted based on California Code of Regulations, title 20, section 2505(a)(3)(A).

Therefore, based on the information above, the applicant has established the identified records qualify for confidential designation pursuant to California Code of Regulations, title 20, section 2505(a)(4).

Docketing the same application multiple times does not affect the approval of the applications. The recitation of all relevant contents of the identified TN numbers is included for clarity.

### **Executive Director's Determination**

For the reasons stated, the confidentiality applications are granted. The information subject to this confidentiality designation will be kept confidential until the Acceptance Test Technician Certification Program ends.

Be advised that under 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 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.

If you have any procedural questions concerning this determination, please email Tanner Kelsey, staff counsel, at [tanner.kelsey@energy.ca.gov](mailto:tanner.kelsey@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director