

DOCKETED

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Description:	N/A
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APPLICATION FOR CONFIDENTIAL DESIGNATION (Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 11/2021)

CALIFORNIA ENERGY COMMISSION

All confidential filings: Individual documents may not exceed 30 MB¹ or be password protected.² The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: doCKET@energy.ca.gov.

Existing proceedings: Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled “**Submit e-filing.**” Alternatively, go to: https://efiling.energy.ca.gov/Login.aspx?perms_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx. Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

Filings not associated with any proceeding: Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and “Confidential.” (§ 1208.1)

TO: Energy Commission Docket Unit

Applicant: Sacramento Municipal Utility District (SMUD)

Address: 6201 S Street, Mail Stop B406, Sacramento, CA 95817

Phone and E-mail: 916-732-6124 andrew.meditz@smud.org

Proceeding or Project Name: IEPR 2022 - SMUD Supply Forms

Docket Number: 22-IEPR-03

- 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.**

SMUD seeks confidential designation and treatment of the yellow-highlighted data in forms S-2 and S-5 of the attached.

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

In Form S-2: The highlighted content in Columns C through AL in Rows 6h, 6l, 6n, and 6o.

In Form S-5: The highlighted content in Columns C through M in Rows 6h, 6l, 6n, and 6o.

¹ Contact the Docket Unit if you cannot reduce the size of your file.

² If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



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

The information should be kept confidential for two years after the expiration date of each contract, which dates are set forth in Column H in form S-5.

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.

Title 20 Cal. Code Regs., sections 2505(a)(4) and 2505(b); Cal. Govt. Code s. 6254(k); Cal. Evid. Code s. 1060. SMUD has designated this information confidential, and SMUD has previously sought and obtained approval for confidential designation of this data from the CEC. This data consists of commercially sensitive, trade secret, and other confidential information.

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.

A confidential designation is appropriate, as the information submitted is substantially similar to information previously submitted, including in connection with SMUD's 2021 Electricity Resource Planning (S-2 and S-5) filings. All the facts and circumstances relevant to confidentiality remain unchanged. Moreover, SMUD seeks confidentiality under section 2505(b) as a federal, state, regional, or local agency or state-created private entity, which possesses information pertinent to the responsibilities of the CEC, that has been designated by SMUD as confidential under the Public Records Act or the Freedom of Information Act. The confidential records contain commercially sensitive data, which could provide insight into proprietary business strategies. If publicly disclosed, the data could be used to determine power and capacity needs, which could be used to cause competitive harm. This confidential data has commercial value, and it is not available to the public.

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.

Not applicable; the data by nature cannot be aggregated. Masking or redaction of all highlighted cells would be appropriate.

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.

This information is used only within internal documents and is not shared with or disclosed to third parties. SMUD has a comprehensive set of information governance policies that protect against such disclosure. SMUD is contractually obligated to maintain the confidentiality of this information and, except as otherwise noted herein, is unaware of any intentional or unintentional prior disclosure of this information. As SMUD identified in its 2019 Application for Confidential Designation of its Electricity Resource Planning filings, SMUD has previously, inadvertently docketed data relating to these contracts without seeking confidential treatment of such data. Notwithstanding this inadvertent prior disclosure, SMUD does not waive its right to seek confidential treatment, and as set forth above, the Commission previously granted SMUD's prior applications for confidential designation.

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.

Dated: October 20, 2022

Signed: Andrew Meditz



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CALIFORNIA ENERGY COMMISSION

Name (print or type): Andrew Meditz

Title: (print or type) Senior Attorney

Representing: Sacramento Municipal Utility District (SMUD)

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.