

DOCKETED

Docket Number:	22-IEPR-03
Project Title:	Electricity Forecast
TN #:	246716
Document Title:	Direct Energy Business LLC's Application for Confidentiality
Description:	22-IEPR-03 Confidentiality Declaration of Direct Energy Business, LLC
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Organization:	Direct Energy Business, LLC
Submitter Role:	Applicant
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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

2022 Integrated Energy Policy Report
(IEPR)

Docket No. 22-IEPR-03
(Electricity Demand Forecasts)

**APPLICATION OF DIRECT ENERGY BUSINESS, LLC
FOR DESIGNATION OF CONFIDENTIAL RECORDS**

Pursuant to Section 25322 of the Public Resources Code (“PRC”) and Section 2505(a) of Title 20 of the California Code of Regulations (“CCR”), **Direct Energy Business, LLC**, formerly Strategic Energy, L.L.C. (“Applicant”) hereby requests that the Commission designate as confidential the information specified herein and submitted by Applicant on October 21, 2022, Power Purchase Agreements, Contracts and Resources that require Transmission Upgrade in order to serve California loads.

1 DATA REQUESTED AS CONFIDENTIAL:

A. 22-IEPR-03 Narrative -Question 5:

Question 5 contains specific information related to projects currently under contract which have not achieved commercial operation and require transmission upgrades before being placed online.

2. REQUEST for CONFIDENTIAL DESIGNATION OF DATA

Applicant requests that **ALL** information contained in the **22-IEPR-03 Narrative** response be designated as confidential for **three calendar years** including the reporting year, i.e., to December 31, 2024.

.3. GROUNDNS for CONFIDENTIAL DESIGNAITON:

Section 2505(a)(4) of the Commission’s regulations provides that an application for designation of confidential records will be granted if the information for which the applicant is seeking a confidential designation is “substantially similar to information that was previously deemed confidential by the Commission.”

On February 2, 2007, Applicant submitted its responses to the Commission's Demand Forecast data requests for the 2007 IEPR. Applicant's responses included the following Demand Forecast form:

- Form 6 – ESP Report of Loads and Resources Under Contract

The information contained in Form 6 included Applicant's historical and forecast annual electricity sales (MWh), peak demand (MW), customer counts, and average annual growth rate (%) for each category of data.

At the time Applicant submitted Form 6, it submitted an application to the Executive Director requesting that the information reported in the form be designated as confidential on the grounds that it was "trade secret" information.

By letter dated March 1, 2007, the Executive Director granted confidentiality for all of the information reported by Applicant in Form 6 (retail sales, peak load, customer counts, and average growth rate (%) for each category of data). The Executive Director found that Applicant had made a reasonable argument for classifying this information as confidential since "[t]he information contained on this form constitutes a trade secret, and would place [Applicant] at a competitive disadvantage if disclosed." The Executive Director's grant of confidentiality was for a period a three years, i.e., to December 31, 2009.

The Demand Forecast information set forth in Form 7 for which Applicant is seeking a confidential designation is substantially similar to the Demand Forecast information that was previously granted confidentiality as discussed above. Moreover, all pertinent facts and circumstances remain unchanged from Applicant's previous confidentiality application.

4. AGGREGATION of DATA:

Applicant has no objection to the forecast information submitted by Applicant being made public if first aggregated with the similar data reported by all ESPs, as provided in the Forms and Instructions.

5. DISCLOSURE of DATA:

DEB has not disclosed any of the information contained in Section 1 to anyone other than its employees, attorneys and consultants working with DEB, or government agency or CAISO employees subject to confidentiality responsibilities. DEB routinely keeps information of commercial value, like the subject information identified herein, confidential. In fact, all DEB employees, officers and directors are required to maintain the confidentiality of information entrusted to them by DEB or its customers, suppliers, business partners or others in the course of conducting business with the Company, except when disclosure is authorized or legally mandated.

6. **ATTESTATION:**

Declared under penalty of perjury that the aforesaid is true of my knowledge, except as to matters that are stated on information or belief, and to those matters, I believe them to be true.

Dated: October 21, 2022

Barbara Farmer

Barbara Farmer
Regulatory Reporting Analyst
Direct Energy Business, LLC
an NRG Energy, Inc. company