

**DOCKETED**

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<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	247736
<b>Document Title:</b>	CEC's Response to CALCTP's Supplemental Repeated Application for Confidentiality - 10-28-22
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<b>Docketed Date:</b>	11/28/2022



November 28, 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, October 28, 2022 [TN No. 247101]. The application covers test curriculum materials, CALCTP compliance forms, and test questions as 2022 amendments to CALCTPS Acceptance Test Technician Certification Provider (ATTCP) Application to become a Lighting Control ATTCP. Specifically, the application requests confidentiality for the following documents:

**October 28, 2022, Application documents:**

1. CALCTP AT New V4.0 Lecture - Part I and Part II - Clean 2022-09-23 - AA\_10-26\_257 pages
2. CALCTP - AT New V4.0 Lecture - Part I and Part II - Redline 2022-09-23 - AA\_10-26\_265 pages
3. CALCTP - AT New V4.0 Laboratory Manual - blank 2022-9-21 - AA\_10-26\_22 pages
4. CALCTP - AT New V4.0 Laboratory Manual - redline 2022-9-21 - AA\_10-26\_26 pages
5. CALCTP - AT New V4.0 Quiz Exercise Questions with answers - clean 2022-09-27 - AA\_10-26\_11 pages
6. CALCTP - AT New V4.0 Quiz Exercise Questions with answers - redline 2022-09-22 - AA\_10-26\_11 pages
7. CALCTP AT New V4.0 Technician Final Exam with answers - clean 2022-09-27 - AA\_10-26\_13 pages (1)
8. CALCTP - AT New V4.0 Technician Final Exam with answers - redline 2022-09-22 - AA\_10-26\_13 pages (1)
9. CALCTP - AT New V4.0 Exercise 1\_10-26\_19 pages
10. CALCTP - AT New V4.0 Exercise 2\_10-26\_15 pages
11. CALCTP - AT New V4.0 Exercise 3\_10-26\_15 pages
12. CALCTP - AT New V4.0 Exercise 4\_10-26\_9 pages

13. CALCTP - AT - Technician Recertification 2022 Standards - Clean 2022-09-23-AA\_10-26\_123 pages
14. CALCTP - AT - Technician Recertification 2022 Standards - Redline 2022-09-23 - AA\_10-26\_124 pages
15. CALCTP - AT V4.0 Technician Recertification Quizzes with answers - clean 2022-09-27-AA\_10-26\_3 pages
16. CALCTP - AT V4.0 Technician Recertification Quizzes with answers - redline 2022-09-22-AA\_10-26\_3 pages
17. CALCTP - AT V4.0 Technician Recertification Final Exam with answers - clean 2022-09-27 - AA\_6 pages
18. CALCTP - AT V4.0 Technician Recertification Final Exam with answers - redline 2022-09-22-AA\_10-26\_12 pages
19. CALCTP - AT V4.0 Technician Recertification Online Lab Exercise Controlled Receptacles\_20020503\_30 pages
20. CALCTP - AT V4.0 Lecture Employer - Clean 2022-09-23 - AA\_182 pages
21. CALCTP - AT V4.0 Lecture Employer - Redline 2022-09-23 - AA\_187 pages
22. CALCTP - AT V4.0 Employer New Quizzes - blank 2022-09-27 - AA\_5 pages
23. CALCTP - AT V4.0 Employer New Quizzes - with answers - redline 2022-09-22 - AA\_4 pages
24. CALCTP - AT V4.0 Employer New Final Exam - blank 2022-09-27 - AA\_10 pages
25. CALCTP - AT V4.0 Employer New Final Exam with answers - redline 2022-09-22 - AA\_10 pages
26. CALCTP - AT - Employer Recertification 2022 Standards - Clean 2022-09-23 - AA\_10-26\_120 pages
27. CALCTP - AT - Employer Recertification 2022 Standards - Redline 2022-09-23 - AA\_10-26\_121 pages
28. CALCTP - AT V4.0 Employer Recert Quizzes - blank 2022-10-26\_5 pages
29. CALCTP - AT V4.0 Employer Recert Quizzes and Answers - clean 2022-10-26\_5 pages
30. CALCTP - AT V4.0 Employer Recertification Final Exam blank – clean (1)\_2022-10-26\_6 pages
31. CALCTP – At V4.0 Employer Recertification Final Exam Questions and Answers – Clean (2)\_2022-10-26\_7 pages
32. 2022-NRCA-LTI-02-A-ShutOff\_Lightning\_Control.10.14.22
33. 2022-NRCA-LTI-03-A-AutomaticDaylightingControl.10.20.22
34. 2022-NRCA-LTI-04-A-DemandResponseControls.10.14.22
35. 2022-NRCA-LTO-02-A-OutdoorLightingControls.10.14.22
36. 2022-NRCA-LTI-02-A-InstitutionalTuningPAF.10.14.22

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.

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(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

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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](mailto:Jared.babula@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan  
Executive Director