

DOCKETED

Docket Number:	22-IEPR-03
Project Title:	Electricity Forecast
TN #:	247827
Document Title:	CEC Response Letter to East Bay Community's Application for Confidentiality - 9-9-22
Description:	N/A
Filer:	Patty Paul
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	11/30/2022 2:40:49 PM
Docketed Date:	11/30/2022



November 30, 2022

Via Email

Izzy Carson
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**Application for Confidential Designation for Data in Integrated Energy
Policy Report
Docket No.: 22-IEPR-03**

Dear Izzy Carson:

The California Energy Commission (CEC) has received East Bay Community Energy Authority's (applicant) Application for Confidentiality docketed September 9, 2022 (TN 245942), covering the following data:

- S-1 Capacity/Energy Requirement Form – Columns G through R, Rows 11, 19, 21, 22, 25, 29, 37, 39; Columns G and H, Lines 44 and 50.
- S-2 Capacity/Energy Supply Resources Form – Columns I and J, Lines 33 through 53; Columns N through Y, Lines 32 through 61; Columns AA through AL, Lines 32 through 61.
- S-2A Addendum Monthly Capacity and Energy Data Form – Columns F through DU; Lines 10 through 39.

The applicant states that such data should be designated confidential by the CEC under California Code of Regulations, title 20, sections 2505(a)(4), 2505(b), and Government Code sections 6254(k) and 6255(a). The application asserts the data submitted in Form S-1 should be confidential for a period of three years from the date this application was submitted. Additionally, the applicant asserts that the information in Form S-2 and S-2A should be confidential until two years after the expiration of supply resource contracts as detailed in Form S-5, column H.

Under section 2505(b), the CEC shall designate the requested information confidential when the applicant seeks confidentiality 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 applicant as confidential under the Public Records Act, or the Freedom of

Information Act.

Here, the applicant is a local government agency, has itself designated that the data is confidential under the Public Records Act, and the information submitted is pertinent to the responsibilities of the CEC. Therefore, the CEC designates the above-described information as confidential for three years. Data may be disclosed if aggregated with data from other load serving entities.

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 records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have any questions, please contact Tanner Kelsey, staff counsel at tanner.kelsey@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director