

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-HERS-01
<b>Project Title:</b>	2022 HERS Provider Applications for the 2022 Building Energy Efficiency Standards
<b>TN #:</b>	248059
<b>Document Title:</b>	CEC Response Letter to CHEERS' Application for Confidentiality - 10-21-22
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	12/13/2022 4:37:13 PM
<b>Docketed Date:</b>	12/13/2022



December 13, 2022

**Via Email**

Jim Hodgson  
CHEERS  
1610 R Street, Suite 200  
Sacramento, California 95811  
[application@cheers.org](mailto:application@cheers.org)

**Application for Confidential Designation: HERS Provider Application  
Docket Number 22-HERS-01**

Dear Jim Hodgson:

The California Energy Commission (CEC) received CHEERS' application for confidential designation docketed October 21, 2022, (TN 246743). The application seeks a confidential designation for documents related to CHEERS' Home Energy Rating System (HERS) Provider Application materials. Applicant revised materials per CEC staff comments and requests the following exhibits be designated confidential:

- Exhibit A – HERS Provider Application
- Exhibit B – Data Registry Application
- Exhibit F – Quality Assurance Program & QA Team Qualifications
- Exhibit H – FVDT Training Overview, Materials and Exam Questions
- Exhibit I – Whole House Training Materials and Exam Questions

In the application, CHEERS states that these documents should be kept confidential in their entirety for a minimum of six years or a longer period consistent with previous grants of confidentiality to HERS Providers.

**Confidentiality Claims**

California Code of Regulations section 2505(a)(4) states that "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."

Applicant states that these documents are substantially similar to documents previously granted confidentiality status as trade secret on August 17, 2022, (See TN 246464).

Applicant has made a reasonable claim that exhibits A, B, F, H, and I are exempt from disclosure because they are substantially similar to documents previously granted confidential designation.

**Executive Director's Determination**

For the reasons stated, confidentiality is approved as to the CHEERS 2022 Provider Application materials, referenced above, for six years.

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 records is issued by the CEC's chief counsel. Under the 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 for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set in the California Code of Regulations, title 20, sections 2506-2507.

If you have any procedural questions about this application for confidential designation, please email Ashneil Randhawa, graduate legal assistant, at [ashneil.randhawa@energy.ca.gov](mailto:ashneil.randhawa@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director