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<b>Project Title:</b>	Integrated Resource Plan
<b>TN #:</b>	248629
<b>Document Title:</b>	Commercial Energy Motion for Confidential Treatment
<b>Description:</b>	N/A
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<b>Organization:</b>	Customized Energy Solutions
<b>Submitter Role:</b>	Applicant Consultant
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<b>Docketed Date:</b>	2/1/2023

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue Electric  
Integrated Resource Planning and Related Procurement  
Processes.

Rulemaking 20-05-003  
Filed May 7, 2020

**MOTION OF COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE  
CONFIDENTIAL MATERIAL(S) CONTAINED IN ITS FEBRUARY 2023  
INTEGRATED RESOURCE PLAN PROCUREMENT UPDATE UNDER SEAL;  
AND PROPOSED ORDER**

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Dated: February 1, 2023

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Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04-023, Commercial Energy of Montana, Inc. dba Commercial Energy of California (“Commercial Energy”) hereby files this Motion for Leave to File Confidential Materials Contained in its February 2023 Integrated Resource Plan (“IRP”) Procurement Update Under Seal (“Motion”). This Motion is being served and filed concurrently with Commercial Energy’s confidential version of the IRP. The public version of the plan was filed on February 1, 2023.

In D.06-06-006, the Commission adopted rules regarding the confidentiality of electric procurement data required to be submitted to the Commission by Electric Service Providers (“ESPs”). Specifically, the ESP Matrix specifies the confidential treatment to be afforded to certain categories of data. As set forth below, Commercial Energy’s IRP contains market sensitive information that should be protected from public disclosure. All such confidential information is labeled Confidential in the Confidential Version of the IRP Standard Plan. The information provided below uses the format specified in the “Matrix of Allowed

Confidential Treatment Energy Service Provider Data” under the provisions of D. 06-06-066, as modified in D. 08-04-023 and D.21-11-029.

To the extent information provided matches a Matrix category it is entitled to the protections the Matrix provides for that category of information. In addition, the Commission has established that information that does not fall within a matrix category must be protected where it “consists of information from which that information may be easily derived.” In order to claim the protection afforded by the relevant Matrix, the party seeking confidential treatment must establish:

1. That the material it is submitting constitutes a particular type of data listed in the Matrix;
2. To which category or categories in the Matrix the data corresponds;
3. That it is complying with the limitations on confidentiality specified in the Matrix for that type of data;
4. That the information is not already publicly available; and
5. That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Portions of the information contained in Commercial Energy’s IRP and the Attachments thereto, as specified in the table below, are eligible for confidential treatment under the provisions of D.06-06-066 and the "Matrix of Allowed Confidential Treatment Energy Service Provider Data" adopted in that decision, and as modified in D.08-04-023 and D.21-11-029, Appendix B. Accordingly, Commercial Energy hereby affirms that the following data is confidential and that the Commission should afford it confidential treatment in order to prevent the material harm that loss of confidentiality may cause to Commercial Energy and its customers.

Data Description	Spreadsheet/ Location	Matrix Category	Explanation
RDTv3 templates	Tabs labeled: unique_contracts, Calc, Reliability, and CSPReportSheet	I.A., III.A., II.,III.A., III.B.,III.C., IV.A.,IV.C.	This information should remain confidential because it is market-sensitive information, as it is not generally known and could be used by others to gain economic value from its disclosure and impact Commercial Energy's negotiating positions and the energy and capacity market more generally. In addition, public disclosure will adversely affect Commercial Energy's ability to guide its operations and inform its strategic decisions, and can be used in conjunction with other publicly available information to calculate Commercial Energy's net short, demand and energy requirements. The public interest in maintaining fair and functional markets by protecting this information outweighs any negligible public interest in publicly disclosing this information.

Commercial Energy's contract price, demand and supply inputs and forecasts, procurement strategies, and cost information is trade secret information that is broadly protected from public disclosure to protect an entity's competitive position.<sup>1</sup> Commercial Energy consistently ensures that such information is not released to the public. Public disclosure of an ESP's price, demand and supply inputs and forecasts, procurement strategy, and/or cost information for RPS contracts would clearly disadvantage an ESP in the power markets and compromise its negotiating position with suppliers and customers. As ESPs are mandated to engage in RPS procurement by statute, the Commission must permit an ESP to submit its RPS price and cost information only on a confidential basis.

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<sup>1</sup> See CPUC General Order 66-D, Section 3.2(d); California Government Code section 6254(k) exempts from disclosure under the Public Records Act information which meets the definition of trade secrets under Evidence Code Section 1060. Trade secrets are defined by reference to Civil Code Section 3426.1.

Commercial Energy further affirms that the data for which Commercial Energy is claiming confidentiality is not already public. The confidentiality of the data for which Commercial Energy is claiming confidentiality would not be compromised if it were first aggregated with the equivalent data of all other load serving entities before being made public. Other than by the aforesaid process, the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Commercial Energy therefore requests, in accordance with the confidential treatment afforded in D.06-06-066, as modified by D.08-04-023 and D.21-11-029, Appendix B, the ESP Matrix, that the Commission grant confidential treatment to the data specified in the table above. As required, a Proposed Order is attached to this motion.

Respectfully submitted February 1, 2023 at San Francisco, California.

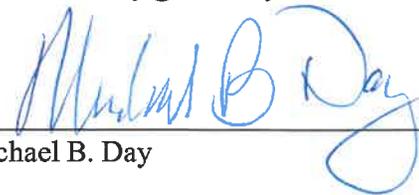
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By



Michael B. Day

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Rulemaking 20-05-003  
Filed May 7, 2020

**PROPOSED ORDER GRANTING LEAVE TO FILE CONFIDENTIAL  
MATERIAL UNDER SEAL**

Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04023, Commercial Energy of Montana, Inc. dba Commercial Energy of California (“Commercial Energy”), a registered electric service provider (“ESP”) filed a Motion on February 1, 2023 for leave to file confidential information contained in its February 2023 Integrated Resource Plan Procurement Update under seal. Having reviewed the material for which confidential treatment is requested, and good cause appearing, this ruling grants the Motion.

Accordingly, it is ordered that:

1. The information specifically identified as confidential within the confidential version of Commercial Energy’s IRP, as further described in the MOTION OF COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE CONFIDENTIAL MATERIAL CONTAINED IN ITS FEBRUARY 2023 INTEGRATED RESOURCE PLAN PROCUREMENT UPDATE UNDER SEAL, filed February 1, 2023, shall remain sealed and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned

Administrative Law Judge (“ALJ”) or an ALJ designated to rule on this Motion;

2. Further proceedings, if any, held with respect to matters contained in the confidential data shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the data described herein;
3. All additional documentary evidence in this proceeding that addresses or relates to the confidential data must be treated in the confidential manner described in paragraphs 1 and 2 above.

\_\_\_\_\_  
Administrative Law Judge

Dated: \_\_\_\_\_

## VERIFICATION

I am an officer of Commercial Energy of Montana, Inc dba Commercial Energy of California and am authorized to make this verification of its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct, and that this verification is executed on this 1<sup>st</sup> day of February 2023 at Oakland, California.



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Curry Stypula  
President  
Commercial Energy of Montana, Inc. dba  
Commercial Energy of California