

DOCKETED

Docket Number:	23-PSDP-01
Project Title:	Power Source Disclosure Program - 2022
TN #:	250392
Document Title:	UC Regents 2022 PSD Confidentiality Declaration
Description:	Attached document is the an Application for Confidential Designation for UC Regent's 2022 Power Source Disclosure Annual Report.
Filer:	Cindy Tan
Organization:	University of California, Office of the President
Submitter Role:	Applicant
Submission Date:	5/30/2023 11:43:55 AM
Docketed Date:	5/30/2023

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OFFICE OF THE PRESIDENT

Energy and Sustainability
1111 Franklin
Oakland, California 94607-5200

May 26, 2023

To: Docket Office
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814

Re: Docket 23-PSDP-01 Power Source Disclosure Annual Report

The Regents of the University of California (UC), in its role as an Electric Service Provider (ESP; CPUC #1389) is subject to annual reporting requirements under the CEC's Power Source Disclosure Program. UC hereby submits this Application for Confidential Designation, respectfully requesting protection of the identified information from disclosure. This request refers to UC's Annual Report to the California Energy Commission: Power Source Disclosure Program for the Year Ending December 31, 2022, submitted under separate cover on May 26, 2023.

Please contact me at (510) 287-3360 if you have any questions or require additional information regarding this application.

Sincerely,

/s/

Cynthia Clark
Clean Power Program Director

Attachment:
State of California Application for Confidential Designation



APPLICATION FOR CONFIDENTIAL DESIGNATION (Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 04/2023)

CALIFORNIA ENERGY COMMISSION

Any person submitting a record to the CEC must specify if it should be designated a confidential record by providing an application for confidential designation. The application, which is not confidential, will be reviewed and acted upon by the executive director in consultation with the chief counsel. The CEC's process for reviewing and designating records as confidential can be found at California Code of Regulations, title 20, section 2505.

Filing Process

Applications for confidentiality, and the confidential documents, must be uploaded directly to the Docket Unit through the e-filing system. Individual documents cannot exceed 30 MB. Applications submitted directly to staff and not to the Docket Unit will not be acted on and the documents may be subject to disclosure. For filings not associated with any specific proceeding, the application and relevant records shall be filed into docket **22-MISC-01**. Links to the e-filing system are provided on most proceeding webpages labeled "**Submit e-filing.**"

Alternatively, go directly to the [e-filing log-in page](#):

https://efiling.energy.ca.gov/Login.aspx?perms_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx

For additional information on e-filing see: CEC's E-filing and E-commenting System [User's Training Guide](#), https://www.energy.ca.gov/sites/default/files/2020-03/Efiling_User_Training_Guide_Feb2020_ADA.pdf. Registration is necessary the first-time documents are uploaded. After registering, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files. **Failure to follow these steps may result in confidential material becoming public.** If you have questions regarding the filing process, contact the Docket Unit at docket@energy.ca.gov.

The following are some of the processes for requesting confidentiality of records:

A. Repeated Applications for Confidentiality (20 CCR 2505 (a)(4).)

These are applications claiming that the CEC has previously found the data confidential. It is not necessary to include legal arguments. If you are filing your request on this basis submit a letter including, the date and transaction number of the CEC's original determination letter if known and a certification that the records at issue are substantially similar to the records previously designated as confidential, and that the facts and circumstances have not changed.

B. Automatic Confidentiality for certain categories of data (20 CCR 2505 (a)(5).)

C. Records provided by Public Agencies (20 CCR 2505(b).)

D. Standard Applications for Confidentiality (20 CCR 2505(a)(1).)

These applications require the applicant to present a legal basis for a determination that the information submitted should be held as confidential and not subject to disclosure. A deficient or incomplete application may be subject to requests for clarification or be returned to the applicant with a statement of its defects.

For standard applications, provide a written letter (application for confidentiality) containing complete responses to the information requested below in the following order:



APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 04/2023)

CALIFORNIA ENERGY COMMISSION

1. Contact Information: (20 CCR 1208.1.)

Applicant Name: The Regents of the University of California, in its role as an ESP (CPUC#1389)

Phone Number: (510)-287-3360

E-mail: Cynthia.Clark@ucop.edu

Proceeding Name: Power Source Disclosure Program - 2022

Docket Number: 23-PSDP-01

2. Title, date, and description (including number of pages) of the information or data for which you request confidential designation. (20 CCR 1208.1.)

The Regents of the University of California's Power Disclosure Report for the Year Ending December 31, 2022, in its role as an Electric Service Provider (CPUC ESP #1389), dated May 26, 2023. Procurement, Retired, and Retail Sales data in PSD Schedules 1, 2, & 3.

3. Specify the part(s) of the information or data for which you request confidential designation. (If the data is in charts or spreadsheets, highlighting is sufficient.) (20 CCR 2505(a)(1)(B.))

PSD Schedule 1 - Cells N7-N15 (Retail Sales and related subtotals), Columns H-K (Gross MWh Procured, MWh Resold, Net MWh Procured, Adjusted Net MWh Procured), Cells A75-B80 (End Uses Other Than Retail Sales). Schedule 2 - Column E (Total Retired RECs in MWh). Schedule 3 - Cells B13-B25 (Adjusted Net procured MWh, Cell C27 (Total Retail Sales)

4. State and justify the length of time the CEC should keep the information or data confidential. The term requested must be relevant to the stated basis for confidentiality. (20 CCR 2505(a)(1)(C.))

Pursuant to CPUC Decision ("D.") 06-06-066, D.08-04-023, D.20-07-005 and D.21-11-029, ESPs are afforded confidentiality protection for the prior year's retail sales data for one year. Applicant requests the CEC afford the same confidentiality protection to its 2022 retail sales and procurement data that could be used to derive its retail sales, such that the subject data is kept confidential until December 31, 2023.

5. State the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explain why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 CCR (a)(1)(D.))

The subject data is commercially sensitive information that is subject to protection from public disclosure under the Public Records Act (see Govt. Code 6254.7(d)), and the CEC's regulations provide for such information to be kept confidential upon request (see 20 CCR 2505(a)(1)(D)).



**APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 04/2023)

CALIFORNIA ENERGY COMMISSION

6. If the applicant believes that the information or data should not be disclosed because it contains trade secrets or its disclosure would otherwise cause a loss of a competitive advantage, the application also shall state: (20 CCR (a)(1)(D.))

- (a) the specific nature of that advantage,
- (b) how the advantage would be lost,
- (c) the value of the information to the applicant, and
- (d) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

Disclosure of Applicant's 2022 retail sales or procurement data that could be used to calculate its 2022 sales - in combination with certain RPS-related procurement data Applicant is required to report to the CPUC that is not confidential - could be used to derive the Applicant's RPS "net short" position, which information could in turn be used to the Applicant's disadvantage by wholesale suppliers in commercial negotiations with Applicant for the purchase and sale of RPS-eligible electricity products, with no offsetting public interest benefit from public disclosure of said data

7. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions. State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why. (20 CCR 2505(a)(1)(E.))

If the subject data is aggregated with the same type of data reported to the CEC by other ESPs, it could be publicly disclosed without risk of material harm to Applicant or its customers.

8. State how the information or data is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred. (20 CCR 2505(a)(1)(F.))

The subject data is kept confidential by Applicant and has not been publicly disclosed as of the date of this application.

I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Date: May 26, 2023

Signed:  **Cynthia Clark**

Name: Cynthia Clark

Title: Clean Power Program Director

Representing: The Regents of the University of California, in its role as an ESP.