

DOCKETED

Docket Number:	23-PSDP-01
Project Title:	Power Source Disclosure Program - 2022
TN #:	251043
Document Title:	Constellation NewEnergy, Inc Updated 2022 PSD Annual Report Repeated Confidentiality Application
Description:	N/A
Filer:	Eric Janssen
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	7/13/2023 1:19:00 PM
Docketed Date:	7/13/2023



Andrew B. Brown
abb@eslawfirm.com

July 13, 2023

Mr. Drew Bohan
Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814-5504

**RE: Repeated Application for Confidential Designation
Constellation NewEnergy, Inc. Updated 2022 Power Source Disclosure
Annual Report, Docket No. 23-PSDP-01.**

Dear Mr. Bohan:

Constellation NewEnergy, Inc., (“CNE”) respectfully requests protection of certain information provided to the Commission in its accompanying Updated 2022 Power Source Disclosure (“PSD”) Annual Report.¹

Information submitted to the Energy Commission can be deemed confidential without the need for a new application under California Code of Regulations, Title 20, Sections 2505(a)(1)(G) and 2505(a)(4) if CNE files a certification under penalty of perjury that the new information is substantially similar to the information previously granted confidentiality. By letter dated July 7, 2022 you approved CNE’s repeated application for confidential designation for information submitted in CNE’s 2021 PSD Annual Report in docket 22-PSDP-01. (See Attachment A hereto.) In that letter, you encouraged CNE to take advantage of the repeated application process in the future where appropriate.

CNE’s 2022 PSD Annual Report contains information that is substantially similar to its previously submitted 2021 PSD Annual Report and all facts and circumstances relevant to the confidentiality of the information remain unchanged. Accordingly, CNE requests that the following information remain confidential through December 31, 2023:

¹ CNE submitted its original 2022 PSD Annual Report by email to Commission Staff on June 1, 2023. Due to the timing of the deadline for retiring RECs in WREGIS, CNE submits this updated Report to indicate recently retired Category 3 RECs in Schedule 2.

Form	Information to be held confidential
PSDP Schedule 1	<ul style="list-style-type: none">• Retail Sales in cell N7• Net Specified Procurement in cell N8;• Unspecified Power in cell N9;• Net Specified Nuclear, Large Hydro, Renewables, and ACS Power in cell N13;• Gross MWh Procured in cells H18:H72, H75:H82, H85:H86;• Net MWh Procured in cells J18:J72, J75:J82, J85:J86;• Adjusted Net MWh Procured in cells K18:K72, K75:K82, K85:K86
PSDP Schedule 2	<ul style="list-style-type: none">• Total Retired Unbundled RECs in cell E9;• Retired Unbundled RECs by Facility in cells E12:E23
PSDP Schedule 3	<ul style="list-style-type: none">• Adjusted Net Procured (MWh) in cells B13, B14, B17, B18, B20, B22, B24:B25;• Total Retail Sales in cell C27.

I certify under penalty of perjury that the information contained in this repeated application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make this repeated application and certification on behalf of Constellation NewEnergy, Inc.

Please feel free to contact me at (916) 447-2166 should you or Staff have any questions or require additional information regarding this Repeated Application. Thank you for your consideration of our request.

Sincerely,



Andrew B. Brown
Ellison Schneider Harris & Donlan LLP
Attorneys for Constellation NewEnergy, Inc.

Submitted via Confidential e-filing.

ATTACHMENT A

California Energy Commission July 7, 2022 Letter Granting
Constellation NewEnergy, Inc.'s Repeated Application for Confidential Designation for the
2021 Annual Report Under the Power Source Disclosure Program
(Docket No. 22-PSDP-01)

DOCKETED

Docket Number:	22-PSDP-01
Project Title:	Power Source Disclosure Program - 2021 Reporting
TN #:	243947
Document Title:	CEC Response Constellation NewEnergy Confidential Application
Description:	N/A
Filer:	Pam Fredieu
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/8/2022 8:45:23 AM
Docketed Date:	7/8/2022



July 7, 2022

Via Email

Andrew Brown
Ellison Schneider Harris & Donlan LLP
2600 Capitol Avenue, Suite 400
Sacramento, California 95816
abb@eslawfirm.com

Repeated Application for Confidential Designation
Power Source Disclosure Annual Report (22-PSDP-01)

Dear Andrew Brown:

The California Energy Commission (CEC) has received Constellation NewEnergy, Inc. (applicant) repeated application for confidential designation, dated June 2, 2022. The application covers data contained in the 2021 Power Source Disclosure Annual Report.

The repeated application notes that the power source disclosure data contains information substantially similar to data previously designated as confidential by the executive director in a letter dated December 23, 2020, and that 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.

Andrew Brown
July 7, 2022
Page 2

The applicant has met the requirements of the repeated application.

Executive Director's Determination

For the reasons stated, the repeated application for confidential designation is approved and confidentiality is granted under the same terms as those in the prior executive director's letter.

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 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 at Jared.babula@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director