

DOCKETED

Docket Number:	23-PSDP-01
Project Title:	Power Source Disclosure Program - 2022
TN #:	251198
Document Title:	CEC's Response Letter to Bear Valley Electric Service re July 11, 2023 Confidentiality Application
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/27/2023 10:37:30 AM
Docketed Date:	7/27/2023



July 27, 2023

Via Email

Brian S. Biering
Bear Valley Electric Service, Inc.
2600 Capitol Avenue., Suite 400
Sacramento, California 95816
bsb@eslawfirm.com

**Repeated Application for Confidential Designation for Data in Power
Source Disclosure Program Annual Report
Docket No. 23-PSDP-01**

Dear Brian Biering:

The California Energy Commission (CEC) has received Bear Valley Electric Service's (applicant) repeated application for confidential designation, dated July 11, 2023 (TN 251009). The application requests confidential designation for the following data in applicant's Power Source Disclosure Program (PSDP) Annual Report:

- PSD Schedule 1 – Procurements and Retail Sales
 - Total of Retail Sales in cell N7
 - Total of Net Specified Procurement in cell N8
 - Total Unspecified Power (MWh) in cell N9
 - Net Specified Natural Gas in cell N11
 - Gross MWh Procured in cell H37
 - Net MWh Procured in cell J37
 - Adjusted Net MWh Procured in cell K37
 - End Uses Other Than Retail Sales in cells B53:B54
- PSD Schedule 3 – Annual Power Content Label Data
 - Adjusted Net Procured (MWh) in cells B21, B24, and B25
 - Total Retail Sales in cell C27

The applicant states that such data should be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application. The applicant requests that the data be designated confidential through December 31, 2025. The applicant further states under penalty of perjury that the data 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.”

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.”

The application previously submitted by the applicant was granted on July 6, 2022 (TN 243855). Therefore, the applicant has established that the identified data qualifies for confidential designation pursuant to California Code of Regulations, title 20, section 2505(a)(4).

Executive Director’s Determination

For the reasons stated, the applicant's confidentiality application is granted. The CEC designates the above-described information as confidential for one-year, consistent with the timeframe this type of data is considered confidential by the CPUC. (See Order Instituting Rulemaking, R.05-06-040, D.06-06-066 Appendix 2 and D.08-04-023 Appendix B, ESP Confidentiality Matrix Section V *Market Purchases of Energy and Capacity*.)

Note that load serving entities provide quarterly annual retail sales under title 20, CCR, section 1306. As set forth in California Code of Regulations, title 20, section 2507(f)(1)(A)(1), the quarterly data can be publicly disclosed for an individual load-serving entity if aggregated at the statewide level by year. Therefore, data submitted consistent with this aggregation will not be confidential.

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 confidential records is issued by the CEC’s chief counsel. Under 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

Brian Biering
July 27, 2023
Page 3

designated as confidential are set forth in the California Code of Regulations, title 20, sections 2506-2508.

If you have questions, please email confidentialapplication@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a stylized flourish at the end.

Drew Bohan
Executive Director