

DOCKETED

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Project Title:	Electricity Resource Plans
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Document Title:	CEA 2023 IEPR Demand Forecast Confidentiality Declaration
Description:	N/A
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July 31, 2023

Drew Bohan
Executive Director
Docket No. 23-IEPR-02, Electricity Resource Plans
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Application of Clean Energy Alliance for Confidential Designation of Information Contained in its 2023 Electricity Demand Forecast

Dear Mr. Bohan:

Clean Energy Alliance (“CEA”) requests the California Energy Commission (“Commission”) designate information included in CEA’s 2023 Electricity Demand Forecast Forms 8.1a and 8.1b as confidential pursuant to Title 20, California Code of Regulations. (“CCR”), Section 2505 et seq. and the justifications set forth below. In accordance with the Commission’s *Final 2023 Instructions for Submitting Demand Forecast*, CEA provides the following information in support of its application for confidentiality designation.

Contact Information

Applicant Name: Clean Energy Alliance
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Proceeding Name: Electricity Resource Plans
Docket Number: 23-IEPR-02

All correspondence regarding this filing should be directed by electronic mail to the attention of:

Andy Stern
Interim Chief Financial Officer
Clean Energy Alliance
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Description and Identification of Confidential Information

For docket number 23-IEPR-02, CEA seeks confidential treatment for the entirety of Form 8.1a, which contains information relating to budget appropriations, actual costs, and other projected costs. CEA further requests confidential treatment for the entirety of Form 8.1b, which includes confidential total revenue requirements, separated by customer class. CEA has yellow-highlighted the confidential information in CEA’s Forms 8.1a and 8.1b in the Electricity Demand Forecast.

Length of Time the Information Should Be Kept Confidential

CEA requests that the Commission keep CEA's information confidential and protected from public disclosure for a period of 3 years, until July 31, 2026. This length of time is needed to ensure that CEA's detailed budget appropriations, cost information, and revenue allocations in Forms 8.1a and 8.1b remains secure from market participants that could make competitive use of this information to the detriment of CEA, CEA's ratepayers, and the electricity market as a whole. Further, this length of time is consistent with how the Commission has treated similar information.¹

Provisions of Law Allowing the Commission to Keep the Documentation Confidential

CEA seeks confidentiality for these Forms on the following bases:

1. Public Entity Designation. CEA also asserts confidentiality under Section 2505(b) as a local agency which possesses information pertinent to the responsibilities of the Commission that has been designated by CEA as confidential under the Public Records Act.
2. Balancing Tests. Even if the above justification was not available, the information should be protected under California Government Code, Section 7922.000, which permits protection of information where the public interest in nondisclosure clearly outweighs the public interest in disclosure. The information in Forms 8.1a and 8.1b is highly commercially sensitive, not publicly known, and if revealed could cause significant harm to load-serving entities ("LSEs"), like CEA. Such information, if disclosed, would reveal contract prices, actual costs, projected costs, and projected revenues, which would have a significant impact on the energy and capacity market in California. The public does not have a meaningful interest in reviewing this information in a disaggregated form, and disclosure may impact the energy and capacity market causing public harm.

Disclosure in an Aggregated Form

The data in question can be disclosed if it is aggregated with other LSE load forecast and supply information at a level that does not permit CEA's confidential information to be derived from the aggregated data.

¹ See 21-IEPR-03 (CEC Response Letters to confidentiality applications addressing similar information).

The Submitted Information Is Presently Confidential

CEA does not publicly disclose its bilateral contract prices, actual costs, projected costs, or projected revenues, which is information required in Forms 8.1a and 8.1b. CEA considers such information market sensitive, as public disclosure of this information could compromise CEA's competitive position in the electricity market.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that as a community choice aggregator, CEA is a local government agency, and I am authorized to make the application and certification on behalf of CEA.

/s/ Andy Stern

Andy Stern
Interim Chief Financial Officer
Clean Energy Alliance
AStern@thecleanenergyalliance.org