

**DOCKETED**

<b>Docket Number:</b>	23-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	251412
<b>Document Title:</b>	CPA 2023 IEPR Demand Forecast Confidentiality Declaration
<b>Description:</b>	N/A
<b>Filer:</b>	Jen-Ann Lee
<b>Organization:</b>	Braun Blaising and Wynne
<b>Submitter Role:</b>	Applicant Representative
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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 Power Alliance for Confidential Designation of Information  
Contained in its 2023 Electricity Demand Forecast**

Dear Mr. Bohan:

Clean Power Alliance of Southern California (“CPA”) requests the California Energy Commission (“Commission”) designate information included in CPA’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*, CPA provides the following information in support of its application for confidentiality designation.

**Contact Information**

Applicant Name: Clean Power Alliance of Southern California  
Phone Number: (213) 440-0908  
Email: ttardif@cleanpoweralliance.org  
Address: 801 S. Grand, Suite 400  
Los Angeles, CA 90017  
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:

Ted Tardif  
Director, Power Origination  
Clean Power Alliance of Southern California  
ttardif@cleanpoweralliance.org

**Description and Identification of Confidential Information**

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

## **Length of Time the Information Should Be Kept Confidential**

CPA requests that the Commission keep CPA'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 CPA'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 CPA, CPA's ratepayers, and the electricity market as a whole. Further, this length of time is consistent with how the Commission has treated similar information.<sup>1</sup>

## **Provisions of Law Allowing the Commission to Keep the Documentation Confidential**

CPA seeks confidentiality for these Forms on the following bases:

1. **Previous Confidentiality.** Under the CCR, Title 20, Section 2505(a)(4), information submitted to the Commission can be deemed confidential without the need for a new application so long as the new information is substantially similar to information previously granted confidentiality. The Commission granted CPA's previous confidentiality application requesting confidential treatment for its Electricity Demand Forecast, Forms 8.1a and 8.1b, as provided in *Application for Confidential Designation for Data in Integrated Energy Policy Report, Docket 21-IEPR-03*, issued November 8, 2021. The information requested in this application is similar to the information protected in 21-IEPR-03, and should be similarly protected.
2. **Public Entity Designation.** CPA 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 CPA as confidential under the Public Records Act. The Commission has previously recognized CPA's claim of confidentiality under Section 2505(b), and should do so here.<sup>2</sup>
3. **Balancing Tests.** Even if the above justifications were 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 CPA. 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.

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<sup>1</sup> See 21-IEPR-03, *Response Letter to Clean Power Alliance of Southern California Application for Confidential Designation* (Nov. 8, 2021) (TN#:240426).

<sup>2</sup> See 22-IEPR-03, *CEC Response Letter for Confidential Designation Clean Power Alliance of Southern California of September 9, 2022* (December 27, 2022) (TN#:248240).

### **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 CPA's confidential information to be derived from the aggregated data.

### **The Submitted Information Is Presently Confidential**

CPA 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. CPA considers such information market sensitive, as public disclosure of this information could compromise CPA'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, CPA is a local government agency, and I am authorized to make the application and certification on behalf of CPA.

/s/ Ted Tardif

Ted Tardif  
Director, Power Origination  
Clean Power Alliance of Southern California  
ttardif@cleanpoweralliance.org