

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	251413
<b>Document Title:</b>	SDCP 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
<b>Submission Date:</b>	7/31/2023 4:08:27 PM
<b>Docketed Date:</b>	7/31/2023

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 San Diego Community Power for Confidential Designation of Information Contained in its 2023 Electricity Demand Forecast**

Dear Mr. Bohan:

San Diego Community Power (“SDCP”) requests the California Energy Commission (“Commission”) designate information included in SDCP’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*, SDCP provides the following information in support of its application for confidentiality designation.

**Contact Information**

Applicant Name: San Diego Community Power  
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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:

Stephen Gunther  
Senior Regulatory Analyst  
San Diego Community Power  
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**Description and Identification of Confidential Information**

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

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

SDCP requests that the Commission keep SDCP'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 SDCP'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 SDCP, SDCP'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**

SDCP seeks confidentiality for these Forms on the following bases:

1. **Public Entity Designation.** SDCP 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 SDCP as confidential under the Public Records Act. The Commission has previously recognized SDCP's claim of confidentiality under Section 2505(b), and should do so here.<sup>2</sup>
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 SDCP. 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 SDCP's confidential information to be derived from the aggregated data.

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

<sup>2</sup> See 22-IEPR-03, *CEC Response Letter to San Diego Community Power's Application for Confidentiality* - 9-9-22 (Nov. 30, 2022) (TN#:247828)

**The Submitted Information Is Presently Confidential**

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

/s/ Stephen Gunther

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