

**DOCKETED**

<b>Docket Number:</b>	23-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	251419
<b>Document Title:</b>	Valley Clean Energy Alliance Electric Demand Forecast Forms Confidentiality Application
<b>Description:</b>	Valley Clean Energy Alliance Electric Demand Forecast Forms 8.1a & 8.1b Confidentiality Application
<b>Filer:</b>	Blake Elder
<b>Organization:</b>	EQ Research LLC
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	7/31/2023 4:32:06 PM
<b>Docketed Date:</b>	7/31/2023



**APPLICATION FOR CONFIDENTIAL DESIGNATION  
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

**All confidential filings:** Individual documents may not exceed 30 MB<sup>1</sup> or be password protected.<sup>2</sup> The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

**Existing proceedings:** Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled “**Submit e-filing.**” Alternatively, go to: <http://www.energy.ca.gov/e-filing/index.html>. Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

**Filings not associated with any proceeding:** Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and “Confidential.” (§ 1208.1)

**TO: Energy Commission Docket Unit**

Applicant:

Address:

Phone and E-mail:

Proceeding or Project Name:

Docket Number:

1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

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1(b). Specify the part(s) of the information or data for which you request confidential designation.

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<sup>1</sup> Contact the Docket Unit if you cannot reduce the size of your file.

<sup>2</sup> If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



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2. State and justify the length of time the Energy Commission should keep the information or data confidential.

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3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

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3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

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4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

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5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

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I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_



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CALIFORNIA ENERGY COMMISSION

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Name (print or type): \_\_\_\_\_

Title: (print or type) \_\_\_\_\_

Representing: \_\_\_\_\_

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.

Attachment 1

July 31, 2023

Drew Bohan, Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814

RE: **Docket No. 23-IEPR-02 – Electricity Resource Plans**  
Application of Valley Clean Energy Alliance for Confidential Designation of Information  
Contained in its 2023 Integrated Energy Policy Report Demand Forecast Forms.

Director Bohan,

Valley Clean Energy Alliance (“VCEA”) requests that certain information included in its completed 2023 Integrated Energy Policy Report (“IEPR”) Demand Forms (Form 8.1a and Form 8.1b) being submitted to the California Energy Commission (“CEC”) be designated confidential pursuant to Title 20, Cal. Code. Regs., Section 2505 et seq.

In accordance with the CEC’s *Forms and Instructions for Submitting Electricity Demand Forecasts Prepared in Support of the 2023 Integrated Energy Policy Report*, VCEA is providing the following information in support of its application for confidentiality designation.

**Contact Information**

Applicant: Valley Clean Energy Alliance  
Address: 604 2<sup>nd</sup> Street  
Davis, California 95616

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

Gordon Samuel  
Chief Operating Officer  
Valley Clean Energy Alliance  
Gordon.Samuel@valleycleanenergy.org

**Description and Identification of Confidential Information**

VCEA seeks confidential treatment of information regarding budget appropriations, actual costs, and projected costs for bilateral power purchase contracts provided in Columns D to Q of Row 34-42 and 60 of VCEA’s 2023 IEPR Form 8.1a (CCA) – “Budget Appropriations or Actual Costs and Cost Projections by Major Expense Category.” In addition, VCEA seeks confidential treatment of

information regarding its revenue requirements allocation provided in Columns B to O of Rows 9, 11-16 of VCEA's 2023 IEPR Form 8.1(b) – "Revenue Requirements Allocation." The information subject to VCEA's confidentiality application has been highlighted in yellow cell-fill in VCEA's confidential Form 8.1a and Form 8.1b submission.

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

VCEA requests that the confidential information described in the previous section be kept confidential for a period of three (3) years. This length of time is needed to ensure that VCEA's detailed bilateral contract cost information remains secure from market participants who could otherwise make competitive use of this information to the detriment of VCEA, its customers, and the electricity market as a whole.

### **Justification for Request of Confidential Treatment**

The Public Records Act exempts "trade secrets" from public disclosure, including "any formula, plan, ... production data, or compilation of information ..., which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Govt. Code § 6254.7(d); *see also*, §§ 6254(k) and 6254.15). The Public Records Act also exempts records from public disclosure if the public interest in nondisclosure clearly outweighs the public interest in disclosure (Govt. Code § Section 6255(a)).

The CEC's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage." (20 CRR § 2505(a)(1)(D).)

Form 8.1a contains actual, budgeted, and projected cost information for VCEA's bilateral contracts. VCEA is a relatively small program as compared to large investor-owned utilities such as Pacific Gas & Electric, and VCEA procures its electricity through a relatively small number of contracts. Form 8.2b contains revenue requirements allocation information, which could also compromise VCEA's bargaining position with respect to financial position and credit support and provide suppliers and competitors and advantage during bilateral contract negotiations.

If provided with VCEA's cost information for energy contracts, other market participants could estimate the cost of individual project contracts and open portfolio position, giving suppliers and competitors an advantage and harming VCEA and its customers. VCEA does not publicly disclose its bilateral contract prices, actual costs, projected costs, or revenue requirements allocation information. VCEA considers such information to be market sensitive and trade secrets, as public disclosure of this information could compromise VCEA's competitive position in the electricity market and would likely result in higher costs for VCEA customers.

It is also in the public interest to keep the specified information in Forms 8.1a and 8.2b confidential, outweighing the public interest in making this data public under Government Code, section 6255(a). Maintaining the confidentiality of this confidential information allows VCEA to

maintain business relationships with developers without disclosing their market-sensitive and proprietary data. Developers are private parties that require confidentiality of their market-sensitive and proprietary information such as pricing to engage in business with VCEA and other load-serving entities. Absent participation from private developers, VCEA would be impaired in its ability to enter into long-term power purchase agreements and provide cost-effective services to its customers.

**Declaration**

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 I am authorized to make the application and certification on behalf of VCEA.

Dated: July 31, 2023

A handwritten signature in black ink, appearing to read "Gordon Samuel", written over a horizontal line.

Gordon Samuel  
Chief Operating Officer  
Valley Clean Energy Alliance  
Gordon.Samuel@valleycleanenergy.org