

**DOCKETED**

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<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	251437
<b>Document Title:</b>	CEC's Response Letter to National Energy Management Institute Committee - Application June 21
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<b>Docketed Date:</b>	8/1/2023



August 1, 2023

**Via Email**

Lisa Davis  
National Energy Management Institute Committee  
3180 Fairview Park Drive, Suite 400  
Falls Church, Virginia 22042  
[ldavis@nemiconline.org](mailto:ldavis@nemiconline.org)

**Repeated Application for Confidential Designation: NEMIC ATTCP  
Docket No. 13-ATTCP-01**

Dear Lisa Davis:

The California Energy Commission (CEC) has received the National Energy Management Institute Committee's (NEMIC or applicant) application for confidential designation, docketed June 21, 2023 (TN 250696). The application requests confidentiality of NEMIC's revised 2022 Amendment to Application for Nonresidential Mechanical Acceptance Test Technician Certification Provider (ATTCP) required under California Code of Regulations, title 24, section 10-103.2 (f).

The applicant states that substantially similar documents were previously designated by the CEC as confidential on April 21, 2014; June 14, 2016; July 12, 2018; and April 1, 2019. Most recently, the applicant submitted their 2022 Amendment to Application for Nonresidential Mechanical ATTCP and was granted confidentiality on June 10, 2023. The applicant has resubmitted a revised version of NEMIC's 2022 Amendment to the application for ATTCP. The applicant states that the new version contains redlines of NEMIC's changes to the method in which the audit protocol in the Quality Assurance Program section of the application is proposed. The applicant states that the remainder of the document and the reasons for which NEMIC wishes the application to be confidential remain the same. Further, the applicant states under penalty of perjury that the "amended appendices are substantially similar to the previously submitted information and all facts and circumstances relevant for confidentiality 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 applications previously submitted by the applicant were granted based on California Code of Regulations, title 20, section 2505(a)(3)(A). Therefore, the applicant has established that the identified record 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 information subject to this confidentiality designation will be kept confidential until the Acceptance Test Technician Certification Program ends.

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 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](mailto:confidentialapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director