

DOCKETED

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February 20, 2024

Via Email

Rob Starr
CHEERS
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Sacramento, California 95811
application@cheers.org

**Repeated Application for Confidential Designation: HERS Provider
Application Amendments
Docket No. 22-HERS-01**

Dear Rob Starr:

The California Energy Commission (CEC) has received the California Home Energy Efficiency Rating System (CHEERS or applicant) repeated application for confidential designation, docketed January 16, 2024 (TN 253884). The applicant requests confidential designation for amendments to "Exhibit B – Data Registry Application" of its 2022 application for certification as a Home Energy Rating System (HERS) Provider.

The applicant asserts that substantially similar documents were previously designated as confidential on December 13, 2022 (TN 248059). The applicant further certifies that the information contained in the amended Exhibit B is "substantially similar to the records previously designated as confidential, and that the facts and circumstances have not changed."

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 application previously submitted by the applicant was granted confidentiality on December 13, 2022, based on California Code of Regulations, title 20, section 2505(a)(3)(A) and Government Code section 7927.300. The CEC staff has reviewed the documents that were previously granted confidentiality and has confirmed that the information contained in the amended Exhibit B is substantially similar to the records previously designated as confidential.

Therefore, the applicant has established that the identified records qualify 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 for a period of six years, consistent with previous grants of confidentiality to HERS Providers.

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.

Sincerely,



Drew Bohan
Executive Director