

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-HERS-01
<b>Project Title:</b>	2022 HERS Provider Applications for the 2022 Building Energy Efficiency Standards
<b>TN #:</b>	256641
<b>Document Title:</b>	CEC response letter to CHEERS regarding application for confidential designation, dated May 13, 2024
<b>Description:</b>	N/A
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<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	5/31/2024 4:47:56 PM
<b>Docketed Date:</b>	5/31/2024



May 31, 2024

**Via Email**

Rob Starr  
CHEERS  
1610 R Street, Suite 200  
Sacramento, California 95811  
[application@cheers.org](mailto: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 May 13, 2024 (TN 256337). The applicant requests confidential designation for amendments to “Exhibit B – Data Registry Application,” and “Exhibit J – Registered Compliance Documents Examples,” of its 2022 application for certification as a Home Energy Rating System (HERS) Provider under the 2022 Building Efficiency Energy Standards.

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 and Exhibit J are “substantially similar to the records previously designated as confidential, and that the facts and circumstances have not changed.” The applicant previously submitted an application for confidentiality for Exhibit B on January 15, 2024 (TN 253884), which the CEC granted in a letter dated February 20, 2024 (TN 254574).

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 applicant’s previous application 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. By certifying under penalty of perjury

that the information submitted is substantially similar to this prior submission and all the facts and circumstances relevant to confidentiality remain unchanged, the applicant has met the criteria for the identified records to be deemed confidential 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](mailto:confidentialapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director