

DOCKETED	
Docket Number:	24-PSDP-01
Project Title:	Power Source Disclosure Program - 2023
TN #:	258106
Document Title:	Constellation NewEnergy, Inc 2023 Power Source Disclosure Annual Report Application for Confidential Designation
Description:	N/A
Filer:	Eric Janssen
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	7/29/2024 1:49:41 PM
Docketed Date:	7/29/2024



Andrew B. Brown
abb@eslawfirm.com

July 29, 2024

Mr. Drew Bohan
Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814-5504

**RE: Repeated Application for Confidential Designation
Constellation NewEnergy, Inc. 2023 Power Source Disclosure Annual Report,
Docket No. 24-PSDP-01.**

Dear Mr. Bohan:

Constellation NewEnergy, Inc., (“CNE”) respectfully requests protection of certain information provided to the Commission in its accompanying 2023 Power Source Disclosure (“PSD”) Annual Report.

Information submitted to the Energy Commission can be deemed confidential without the need for a new application under California Code of Regulations, Title 20, Sections 2505(a)(1)(G) and 2505(a)(4) if CNE files a certification under penalty of perjury that the new information is substantially similar to the information previously granted confidentiality. By letter dated July 26, 2023, you granted CNE’s repeated application for confidential designation for information submitted in CNE’s Updated 2022 PSD Annual Report in docket 23-PSDP-01 (see Attachment A).

CNE’s 2023 PSD Annual Report contains information that is substantially similar to its previously submitted 2022 PSD Annual Report and all facts and circumstances relevant to the confidentiality of the information remain unchanged. Accordingly, CNE requests that the following information remain confidential through December 31, 2024:

Form	Information to be held confidential
Schedule 1	<ul style="list-style-type: none">• Retail Sales in cell N7• Net Specified Procurement in cell N8;• Unspecified Power in cell N9;• Net Specified Nuclear, Large Hydro, Renewables, and ACS Power in cell N13;• Gross MWh Procured in cells H18:H54, H57:H82, H85:H86;• Net MWh Procured in cells J18:J54, J57:J82, J85:J86;• Adjusted Net MWh Procured in cells K18:K54, K57:K82, K85:K86
Schedule 2	<ul style="list-style-type: none">• Total Retired Unbundled RECs in cell E9;• Retired Unbundled RECs by Facility in cells E12:E19
Schedule 3	<ul style="list-style-type: none">• Adjusted Net Procured (MWh) in cells B13, B14, B17, B18, B20, B22, B24:B25;• Total Retail Sales in cell C27.

I certify under penalty of perjury that the information contained in this repeated application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make this repeated application and certification on behalf of Constellation NewEnergy, Inc.

Please feel free to contact me at (916) 447-2166 should you or Staff have any questions or require additional information regarding this Repeated Application. Thank you for your consideration of our request.

Sincerely,



Andrew B. Brown
Ellison Schneider Harris & Donlan LLP
Attorneys for Constellation NewEnergy, Inc.

Submitted via Confidential e-filing.

ATTACHMENT A

California Energy Commission July 26, 2022 Letter Granting
Constellation NewEnergy, Inc.'s Repeated Application for Confidential Designation for Data in
Power Source Disclosure Program Annual Report
(Docket No. 23-PSDP-01)



July 26, 2023

Via Email

Andrew B. Brown
Constellation NewEnergy, Inc.
2600 Capitol Avenue, Suite 400
Sacramento, California 95816
abb@eslawfirm.com

**Repeated Application for Confidential Designation for Data in Power
Source Disclosure Program Annual Report
Docket No. 23-PSDP-01**

Dear Andrew Brown:

The California Energy Commission (CEC) has received Constellation NewEnergy's (applicant), repeated application for confidential designation, dated July 13, 2023 (TN 251043). The application requests confidential designation for the following data in applicant's Power Source Disclosure Program (PSDP) Annual Report:

- PSD Schedule 1 – Procurements and Retail Sales
 - Total of Retail Sales in cell N7
 - Total of Net Specified Procurement in cell N8
 - Total Unspecified Power (MWh) in cell N9
 - Net Specified Nuclear, Large Hydro, Renewables, and ACS Power in cell N13
 - Gross MWh Procured in cells H18:H72, H75:H82, and H85:H86
 - Net MWh Procured in cells J18:J72, J75:J82, and J85:J86
 - Adjusted Net MWh Procured in cells K18:K72, K75:K82, and K85:K86
- PSD Schedule 2 – Retired Unbundled RECs
 - Total Retired Unbundled RECs in cell E9
 - Retired Unbundled RECs by Facility in cells E12:E23
- PSD Schedule 3 – Annual Power Content Label Data
 - Adjusted Net Procured (MWh) in cells B13, B14, B17, B18, B20, and B24:B25

Total Retail Sales in cell C27

The applicant states that such data should be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application. The applicant requests that the data be designated confidential through December 31, 2023. The applicant further states under penalty of perjury that the data is “substantially similar to its previously submitted 2021 PSD Annual Report and all facts and circumstances relevant to the confidentiality of the information 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 application previously submitted by the applicant was granted on July 8, 2022 (TN 243947). Therefore, the applicant has established that the identified data 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 CEC designates the above-described information as confidential until December 31, 2023. This term is consistent with the one-year period this type of data is considered confidential by the CPUC. (See Order Instituting Rulemaking, R.05-06-040, D.06-06-066 Appendix 2 and D.08-04-023 Appendix B, ESP Confidentiality Matrix Section V *Market Purchases of Energy and Capacity*.)

Note that load serving entities provide quarterly annual retail sales under title 20, CCR, section 1306. As set forth in California Code of Regulations, title 20, section 2507(f)(1)(A)(1), the quarterly data can be publicly disclosed for an individual load-serving entity if aggregated at the statewide level by year. Therefore, data submitted consistent with this aggregation will not be confidential.

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,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a stylized flourish at the end.

Drew Bohan
Executive Director