

DOCKETED	
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Project Title:	Power Source Disclosure Program - 2023
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Document Title:	CEC Response letter to Calpine PowerAmerica, LLC's, App. for Conf. Designation for the Data in PSDP Annual Rpt.
Description:	N/A
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Submitter Role:	Commission Staff
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August 29, 2024

Via Email

Jason Armenta
Calpine PowerAmerica-CA, LLC
3003 Oak Road, Suite 400
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**Repeated Application for Confidential Designation for Data in Power
Source Disclosure Program Annual Report
Docket No. 24-PSDP-01**

Dear Jason Armenta:

The California Energy Commission (CEC) has received Calpine PowerAmerica-CA, LLC's (applicant), repeated application for confidential designation, dated July 29, 2024 (TN 258154). The application requests confidential designation for substantially similar information designated as confidential by the CEC by letter dated June 26, 2023 (TN 250750). The information designated as confidential in the letter dated June 26, 2023, is as follows:

- PSD Schedule 1 – Procurements and Retail Sales
 - Total of Retail Sales in cell N7
 - Total Unspecified Power (MWh) in cell N9
- PSD Schedule 3 – Annual Power Content Label Data
 - Unspecified Power in cell B24
 - Total Adjusted Net Procured (MWh) in cell B25
 - Percent of Total Retail Sales in Cells C13-C25
 - Total Retail Sales (MWh) in Cell C27
 - Total Percentage of Retail Sales Covered by Retired Unbundled Renewable Energy Credits (REC) in cell C31

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, 2024. The applicant further states under penalty of perjury that the data 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.”

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 26, 2023 (TN 250750). 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, 2024. 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

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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 long horizontal stroke extending to the right.

Drew Bohan
Executive Director