

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-IEPR-02
<b>Project Title:</b>	Electricity Resource Plans
<b>TN #:</b>	260092
<b>Document Title:</b>	Constellation NewEnergy, Inc Repeated Application for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Eric Janssen
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Intervenor Representative
<b>Submission Date:</b>	11/15/2024 2:36:08 PM
<b>Docketed Date:</b>	11/15/2024



Andrew B. Brown  
abb@eslawfirm.com

November 15, 2024

Mr. Drew Bohan  
Executive Director  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

**RE: Repeated Application for Confidential Designation  
Constellation NewEnergy, Inc. 2024 IEPR Electricity Resource Planning  
Forms, Docket No. 24-IEPR-02.**

Dear Mr. Bohan:

Constellation NewEnergy, Inc., (“CNE”) submits its 2024 Integrated Energy Policy Report (“IEPR”) Electricity Resource Planning Forms. CNE respectfully requests protection of certain information provided to the Commission in the Forms.

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 November 30, 2022 (see Attachment A hereto) the Commission granted CNE’s request for confidential designation for information submitted in CNE’s 2022 IEPR Electricity Resource Plan Forms submission in docket 22-IEPR-03.

CNE’s 2024 IEPR Electricity Resource Planning Forms submission contains information that is substantially similar to its previously submitted 2022 Electricity Resource Planning Forms submission and all facts and circumstances relevant to the confidentiality of today’s submission’s information remain unchanged.

Specifically, CNE requests that the following information, as also indicated by the yellow pattern cells on the accompanying Excel workbook, worksheets “S-1\_REQUIREMENT”, “S-2\_SUPPLY” and “S-5 Table” remain confidential through December 31, 2027:

Form	Information to be held confidential
2024 IEPR Electricity Resource Planning Form CEC Form S-1 Capacity/Energy Requirement Form	<ul style="list-style-type: none"> <li>Capacity Procurement Requirement (MW), Peak Load Calculations for years 2022-2027*, line numbers 1-2e, 4-8, 11;</li> <li>Energy Procurement Requirement (GWh), Energy Demand Calculations for years 2022-2027*, line numbers 12-13e, 16, 18;</li> <li>Historic LSE Peak Load for 2022-2023*, line numbers 19, 25.</li> </ul>
2024 IEPR Electricity Resource Planning Form CEC Form S-2: Capacity/Energy Supply Resources Form	<p>Capacity Supply Resources (MW):</p> <ul style="list-style-type: none"> <li>Total Other Bilateral Contract Supply for years 2022-2027*, line number 7a;</li> <li>Other Bilateral_Resource Adequacy Aggregate for years 2022-2027*, line number 7c;</li> </ul> <p>Capacity/Energy Balance Summary (<i>for both Capacity and Energy Supply Resources</i>):</p> <ul style="list-style-type: none"> <li>Total: Existing and Planned Supply for years 2022-2027*, line number 9;</li> <li>Firm LSE Procurement Requirement for years 2022-2027*, line number 10;</li> <li>Net Surplus (or Need) for years 2022-2027*, line number 11.</li> </ul>
2024 IEPR Electricity Resource Planning Form CEC Form S-5: Bilateral Contracts Table	<ul style="list-style-type: none"> <li>Other Bilateral_Resource Adequacy Aggregate, Capacity (MW) Under Contract, line number 7c (cell I47 only).</li> </ul>
<p>* As noted above, CNE was previously granted its request for a three-years forward confidentiality period in the last IEPR cycle. As such, 2022 and 2023 information continues to be confidential through December 31, 2024, and is accordingly included here. CNE is also patterning this confidentiality request to be consistent with confidentiality granted by other agencies, including the California Public Utilities Commission, in an effort to harmonize confidentiality of reported information.</p>	

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Executive Director Bohan  
California Energy Commission  
November 15, 2024  
Page 3

*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 November 30, 2022 Letter  
Granting Constellation NewEnergy, Inc.'s Application for Confidential Designation for Data in  
Integrated Energy Policy Report, Docket No. 22-IEPR-03

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-IEPR-03
<b>Project Title:</b>	Electricity Forecast
<b>TN #:</b>	247812
<b>Document Title:</b>	CEC Response Letter to Constellation NewEnergy Inc's Application for Confidentiality - 9-9-22
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	11/30/2022 1:17:38 PM
<b>Docketed Date:</b>	11/30/2022



November 30, 2022

**Via email**

Andrew B. Brown  
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Attorneys for Constellation NewEnergy, Inc.  
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Sacramento, California 95816  
[abb@eslawfirm.com](mailto:abb@eslawfirm.com)

**Application for Confidential Designation for Data in Integrated Energy  
Policy Report  
Docket No.: 22-IEPR-03**

Dear Andrew B. Brown:

The California Energy Commission (CEC) has received Constellation NewEnergy Inc.'s (applicant) Application (TN No. 245948) for Confidentiality docketed September 9, 2022, covering the following data:

Form S-1 – Capacity/Energy Requirement Form

- Capacity Procurement Requirement (MW), Peak Load Calculations for years 2020-2025\*<sup>1</sup>, line numbers 1-2e, 4-8, 11;
- Energy Procurement Requirement (GWh), Energy Demand Calculations for years 2020-2025\*, line numbers 12-13e, 16, 18;
- Historic LSE Peak Load for 2020-2021\*, line numbers 19, 25.

Form S-2 – Capacity/Energy Supply Resources Form

Capacity Supply Resources (MW):

- Total Other Bilateral Contract Supply for years 2020-2025\*, line number 7a;
- Other Bilateral Resource Adequacy Aggregate for years 2020-2025\*, line number 7c;

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<sup>1</sup> For Periods 2020-2021 and 2020-2025 as indicated in their application, applicant states that "As noted above, CNE was previously granted its request for a one-year back and three-years forward confidentiality period in the last IEPR cycle. As such, 2020 information continues to be confidential through December 31, 2022, and is accordingly included here. CNE is also patterning this confidentiality request to be consistent with confidentiality granted by other agencies, including the California Public Utilities Commission, in an effort to harmonize confidentiality of reported information."

Capacity/Energy Balance Summary (for both Capacity and Energy Supply Resources):

- Total: Existing and Planned Supply for years 2020-2025\*, line number 9;
- Firm LSE Procurement Requirement for years 2020-2025\*, line number 10;
- Net Surplus (or Need) for years 2020-2025\*, line number 11.

Form S-5 - Bilateral Contracts Table

- Other Bilateral Resource Adequacy Aggregate, Capacity (MW) Under Contract, line number 7c (cell K35 only).

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 and that the data should be confidential for three years, consistent with the length of time previously granted.

California Code of Regulations, title 20, section 2505(a)(4) provides: Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC pursuant to section 2508, or for which an application for confidential designation was granted by the executive director pursuant to 2505(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 has attested under penalty of perjury that the information contained in this application is substantially similar to information previously deemed confidential by the CEC under section 2505(a)(3)(A).

Therefore, the CEC designates the above-described information as confidential for the requested term of three years, consistent with the length of time previously granted. Data may be disclosed if aggregated with data from other load serving entities.

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 records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by



Andrew B. Brown  
November 30, 2022  
Page 3

CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have any questions, please contact Tanner Kelsey, staff counsel at [tanner.kelsey@energy.ca.gov](mailto:tanner.kelsey@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