

DOCKETED	
Docket Number:	22-HERS-01
Project Title:	2022 HERS Provider Applications for the 2022 Building Energy Efficiency Standards
TN #:	260718
Document Title:	GSR Confidential E-Filing Document 2024 Rater Agreement
Description:	This is the request for confidentiality for the Rater agreement which has been revised.
Filer:	Jonathan Johnson
Organization:	Golden State Registry
Submitter Role:	Applicant
Submission Date:	12/18/2024 3:03:49 PM
Docketed Date:	12/18/2024

1. Contact Information: (20 CCR 1208.1.)

Applicant Name: National Energy Testing Institute, Inc. (DBA: Golden State Registry)

Address: 430 Villa Point Dr. Newport Beach, California, 92660

Phone Number: 805-201-9047

E-mail: jon@gsregistry.org

Proceeding Name: 2022 HERS Provider Applications for the 2022 Building Energy Efficiency Standards

Docket Number: 22-HERS-01

2. Title, date, and description (including number of pages) of the information or data for which you request confidential designation. (20 CCR 1208.1.)

Title:

Ex B6- Golden State Registry Rater Agreement (2024)

Date: 12/18/24

Description: This document is a revision of the Rater agreement that was previously given confidentiality.

Request: We request confidentiality for this document as this document is for review by the CEC, and is a proprietary legal documents reserved for agreements between GSR and prospective Raters.

3. Specify the part(s) of the information or data for which you request confidential designation. (If the data is in charts or spreadsheets, highlighting is sufficient.) (20 CCR 2505(a)(1)(B.))

Request: Entire document

Ex B6- Golden State Registry Rater Agreement (2024) (Pages 4)

Request: We request confidentiality for these documents in their entirety as they are proprietary training documents created by GSR and intended only for those who undertake GSR's training program to become a Rater.

4. State and justify the length of time the CEC should keep the information or data confidential. The term requested must be relevant to the stated basis for confidentiality. (20 CCR 2505(a)(1)(C.))

We request confidentiality for the term of 6 years or 2 code cycles in accordance with confidentiality granted to other such documents. Although GSR may decide to release this information publicly before that time, we believe it is in the best interest of Golden State Registry to reserve the right to confidentiality of its proprietary information, legal agreements, and training materials so that these materials cannot be copied or utilized by competitors during this time frame.

5. State the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explain why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 CCR (a)(1)(D.))

We believe the confidentiality of specific documents in Golden State Registry's application are covered by the following clause in the above-mentioned code:

(b) It is for distribution or consideration in a closed session.

Golden State Registry is applying to become a HERS Provider under approval of the California Energy Commission. The application for this designation is conducted in a closed session to allow for the applicant to supply the Energy Commission with documentation that would not normally otherwise be released to the public. These materials are proprietary and confidential as they may reveal trade secrets (see point 6) or the document in question's disclosure would otherwise cause a loss of a competitive advantage.

6. If the applicant believes that the information or data should not be disclosed because it contains trade secrets or its disclosure would otherwise cause a loss of a competitive advantage, the application also shall state: (20 CCR (a)(1)(D.))

(a) the specific nature of that advantage,

The details of a HERS Provider's application, training materials, testing documents and procedures, legal agreements, and software systems are proprietary and require a tremendous amount of investment and work to produce, compile, and develop. This investment cost is solely born by Golden State Registry, and as such should be considered an advantage over competitors who are unwilling or unable to make a similar effort.

(b) how the advantage would be lost,

If the documents for which GSR requests confidentiality are released to the public, it would enable competitors to easily duplicate or copy information, procedures, legal agreements, and copyrighted material that would give them an unfair advantage in duplicating GSR's work and copying processes which GSR has developed.

(c) the value of the information to the applicant, and

The value of this information and materials is invaluable to Golden State Registry. Without the advantage of confidentiality, all of GSR's investment into the process of becoming a HERS Provider could be lost to competitors.

(d) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

Due to the fact that all documents in these proceedings are digital in nature, it is very simple to acquire this information and copy it into various forms.

7. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions. State the degree of aggregation or masking

required. If the data cannot be disclosed even if aggregated or masked, explain why. (20 CCR 2505(a)(1)(E.))

We request that this information and data not be disclosed in its entirety or in aggregate form. Revealing these documents in aggregate still consists of a breach of Golden State Registry's copyright and may allow competitors an inappropriate view of GSR's operations or materials.

8. State how the information or data is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred. (20 CCR 2505(a)(1)(F.))

The documents and information in this application and all documents for which GSR is requesting confidentiality have only been disclosed or shared with those directly employed or contracted by Golden State Registry. The utmost care has been taken to guard these confidential materials and non-disclosure agreements are in place to ensure that this information is not released or shared in violation of Golden State Registry's rights. As part of these proceedings these documents have also been docketed so that those within the California Energy Commission who are tasked with reviewing and approving said documents have the required access. Because non confidential docketed documents may be made available to the public, it is necessary to request confidentiality between GSR and the review committee to ensure that GSR's rights are upheld.

9. At the signature line, include a certification stating: "I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge." (20 CCR 2505(a)(1)(G.))

10. State whether the applicant is a company, firm, partnership, trust, corporation, or other business entity, or an organization, or association and state that the person preparing the request is authorized to make the application and certification on behalf of the entity, organization, or association. (20 CCR 2505(a)(1)(G.))

Applicant: Jonathan Johnson

Position: CEO, National Energy Testing Institute (DBA: Golden State Registry)

Entity: Golden State Registry is a DBA of National Energy Testing Institute Inc. (Corporation)

Authority of Applicant: As the CEO and Co-Owner of National Energy Testing Institute Inc., Jonathan Johnson is authorized to make the application and certification on behalf of National Energy Testing Institute Inc.

Statement: *I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge.*

Signature:



Name: Jonathan Johnson

Date: 10/7/24

Signature:

Name: Jonathan Johnson

CEO and Technical Director

Golden State Registry

Date: 12/17/24