

DOCKETED

Docket Number:	15-IEPR-02
Project Title:	Electricity Resource Plans
TN #:	204751
Document Title:	Direct Energy Application for Confidential Designation
Description:	This document supersedes TN 204616
Filer:	Patty Paul
Organization:	Direct Energy Business, LLC
Submitter Role:	Public
Submission Date:	5/28/2015 11:02:57 AM
Docketed Date:	5/28/2015



May 14, 2015

California Energy Commission
Rob Oglesby, Executive Director
1516 Ninth Street, MS-39
Sacramento, CA 95814-5512

RE: Docket 15-IEPR-02 Electricity Resource Planning Forms

Mr. Oglesby:

Enclosed is the Electricity Demand Forecast (Docket 15-IEPR-02) of Direct Energy Business, LLC (ESP #1351).

In addition, please find that we are requesting confidential treatment of information as noted by the yellow shading on the forms and as we previously requested in our Applications for Designation of Confidential Records letter that was submitted with the April 13, 2015 filing of the 12-IEPR-03.

If you feel that we have not fully demonstrated the need for confidential treatment of the requested data, we would appreciate your contacting us with any deficiencies prior to a formal designation so that we may attempt to remedy them.

If you have any questions or comments regarding this submission, please feel free to contact me at 713-877-4710 or at Barbara.farmer@directenergy.com.

Sincerely,

Barbara Farmer
Compliance Analyst
Direct Energy Business, LLC

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

2015 Integrated Energy Policy Report (IEPR)

Docket No. 15-IEP-02
(Electricity Resource Plans)

**APPLICATION OF DIRECT ENERGY BUSINESS, LLC
FOR DESIGNATION OF CONFIDENTIAL RECORDS**

Pursuant to Section 25322 of the Public Resources Code (“PRC”) and Section 2505(a) of Title 20 of the California Code of Regulations (“CCR”), Direct Energy Business, LLC, formerly Strategic Energy, L.L.C. (“Applicant”), hereby requests that the Commission designate as confidential the information specified herein and submitted by Applicant on April 23, 2015 concerning Applicant’s forecast monthly peak load data, forecast monthly energy demand data, and bilateral contract information contained in Electricity Resource Planning Forms S-1, S-2 and S-5, respectively.

I. ELECTRICITY RESOURCE PLANNING FORMS

A. Form S-1 – Capacity Resource Accounting Tables

Applicant has submitted a separate Form S-1 for each utility distribution area in which it has forecasted load, with each Form S-1 containing the following information for the applicable utility distribution area:

- Applicant’s forecast annual peak-hour load, in megawatts (“MW”), for the five-year period 2015-2019.
- Applicant’s forecast annual peak-hour load (MW) for existing customer contracts for the five-year period 2015-2019.
- Applicant’s forecast annual peak-hour load (MW) for new and renewed customer contracts for the five-year period 2015-2019.

Additionally, Applicant has submitted a separate Form S-1 for each utility distribution area containing information about Applicant’s forecast monthly peak-hour load and planning reserve requirements, as well as detailed information about Applicant’s existing and planned capacity resources, for 2015.

B. Form S-2 – Energy Resource Balance Accounting Tables

Applicant has submitted a separate Form S-2 for each utility distribution area in which it has forecasted load, with each Form S-2 containing the following information:

1. Applicant's forecast annual energy demand, in megawatt-hours ("MWh"), for the five-year period 2015 through 2019.
2. Applicant's forecast monthly and total energy demand (MWh) for existing customer contracts for the five-year period 2015 through 2019.
3. Applicant's forecast monthly and total energy demand (MWh) for new and renewed customer contracts for the five-year period 2015 through 2019.

Additionally, Applicant has submitted a separate Form S-2 for each utility distribution area in which it has forecasted load containing information about Applicant's forecast monthly energy demand, as well as detailed information about Applicant's existing and planned energy resources, for 2015.

C. Form S-5 – Bilateral Contracts and Power Purchase Agreements

Applicant has submitted a separate Form S-5 contains detailed information about each bilateral contract and power purchase agreement with a term of three months or more that it has signed with suppliers of energy and capacity. The contract information contained in each Form S-5 includes supplier name, product, amount of capacity and/or energy to be supplied, delivery point, and other material terms and conditions.

D. Request for Confidential Designation

Applicant requests that all of the information contained in each Form S-1 and Form S-2 be designated as confidential for three (3) years including the reporting year, i.e., to December 31, 2017. In addition, Applicant requests that all of the information contained in Form S-5 be designated as confidential for three years including the reporting year (i.e., to December 31, 2017) or through the end of the contract term, whichever is later.

E. Grounds for Confidential Designation

Section 2505(a)(4) of the Commission's regulations provides that an application for designation of confidential records will be granted if the information for which the applicant is seeking a confidential designation is "substantially similar to information that was previously deemed confidential by the Commission."

On April 13, 2007, Applicant submitted its responses to the Commission's Electricity Resources data requests for the 2005 IEPR. Applicant's responses included the following Electricity Supply forms:

- Form S-1 – Capacity Resource Accounting Tables
- Form S-2 – Energy Resource Balance Accounting Tables
- Form S-5 – Bilateral Contracts

At the time Applicant submitted the above Electricity Supply forms, it submitted an application to the Executive Director requesting that the information reported in the forms be designated as confidential on the grounds that the information contains trade secrets, and that disclosure of the information would cause Applicant to suffer a loss of competitive advantage.

By letter dated February 27, 2007, the Executive Director granted Applicant's confidentiality application for the information reported in Form S-1 and Form S-2 for a period of three (3) years ending December 31, 2009, except for information contained on Line 67 of Form S-2. In addition, the Executive Director granted confidentiality for the bilateral contract information reported in Form S-5 until December 31, 2009, or the end of the contract term, whichever is later. The Executive Director found that the aforesaid information constitutes a trade secret and that Applicant had made a reasonable argument for classifying the information as confidential since "it would place [Applicant] at a competitive disadvantage if made public."

The Electricity Resource Planning information for which Applicant is seeking a confidential designation is substantially similar to the Electricity Resources Planning information that was previously granted confidentiality as discussed above. Accordingly, all of the information contained in the attached 2007 IEPR Electricity Resource Planning forms should be designated as confidential.

F. Aggregation of Data

The data and information submitted by Applicant in the attached Electricity Resource Planning forms may be released to the public if first aggregated with the data and information submitted by other load-serving entities ("LSEs") as follows:

1. Geographic-level data in Form S-1 and Form S-2 should be aggregated with the geographic-level data of all other LSEs serving load in the applicable geographic area (utility service territory).
2. Statewide-level data and information about existing and planned resources in Form S-1 and Form S-2 should be aggregated with the statewide-level data and resource information of all electric service providers ("ESPs").
3. Bilateral contract information in Form S-5 should be aggregated with the bilateral contract information of all other ESPs.

Certification

The undersigned is authorized to make this application and the following certification on behalf of Applicant:

"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."

DIRECT ENERGY BUSINESS, LLC

By: Direct Energy Business

Name: Barbara Hume

Title: Compliance Analyst

Date: April 23, 2015