

DOCKETED

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Document Title:	Response to Application for Confidentiality - DTE Stockton, LLC
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CALIFORNIA ENERGY COMMISSION1518 NINTH STREET
SACRAMENTO, CA 95814-5512

May 5, 2016

John C. Reis
DTE Stockton, LLC
414 South Main Street, Suite 600
Ann Arbor, MI 48104

**RE: Application for Confidential Designation for DTE Stockton
Retroactive Renewable Energy Credits Request
Docket No. 11-RPS-01**

Dear Mr. Reis:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of DTE Stockton, LLC (Applicant). The application seeks confidential designation for the following document:

- 1) *Independent Accountant's Report for the Creation of Retroactive RECs for DTE Stockton (Accounting Documentation) – Section 4 of the Audit Report for the Creation of Retroactive Renewable Energy Credits for DTE Stockton.*

The application states:

The entire Section 4 [Accounting Documentation] of the Audit Report contains personal and financial information including bank account numbers and copies of checks.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the California Energy Commission to keep the record confidential."

The Public Records Act recognizes the confidentiality principles expressed in the Information Practices Act. (Gov. Code, §§ 6275, 6276.34.) The Information Practices Act states, "An agency shall not disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains" (Civ. Code, § 1798.24.) "Personal information" is defined as "any information that is maintained by an agency that identifies or describes an individual, including, but not limited to . . . financial matters." (*Id.* at § 1798.3(a).) Furthermore, a "person" is defined to include a "corporation, partnership, limited liability company, firm, or association."

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(Id. at § 1798.3(f).) The corporate financial information included in the checks and receipts of transactions between Applicant and a third party qualify as "personal information," for which nondisclosure is in the public interest. Therefore, Applicant's confidentiality application seeking confidentiality of financial information contained in the Accounting Documentation is granted in its entirety. As requested by Applicant, confidentiality is granted for 10 years.

Any subsequent submittals related to personal accounting information can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506.

If you have any questions concerning this matter, please contact Michelle Chester, Staff Counsel, at (916) 651-2935.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit, California Energy Commission
Christina Crume, California Energy Commission, Renewable Energy Division
Lynette Green, California Energy Commission, Renewable Energy Division