

DOCKETED

Docket Number:	16-HERS-01
Project Title:	HERS Providers' Application for the 2016 Standards
TN #:	211647
Document Title:	CalCERTS, Inc.'s Application for Confidential Designation Renewal
Description:	Confidential document requests are for Exhibit B Training Materials, Exhibit C Subscriber Agreement, Exhibit D Rater Agreement, Exhibit E Rater Code of Ethics, Exhibit F Certification of Facts, Exhibit G Quality Assurance Policy and Procedures, Exhibit H Corporate Documents, Exhibit I Response to HERS Regulations section 1674, Exhibit J Registry User Manual, Exhibit K Field House Exam Description, Exhibit L Training Program Exams and Exhibit M Training Program Overview
Filer:	Shelby Gatlin
Organization:	CalCERTS, Inc.
Submitter Role:	Applicant
Submission Date:	5/24/2016 5:27:22 PM
Docketed Date:	5/24/2016



APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 01/16)

CALIFORNIA ENERGY COMMISSION

Existing proceedings: Applications for confidentiality and the confidential documents must be uploaded directly to Dockets through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on each proceeding's webpage under the link "**Submit e-filing**". Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown tab. The application needs to be uploaded first followed by the confidential materials. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

Filings to the Commission not associated with any proceeding: Applications for confidentiality and the confidential materials should be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Documents may not exceed 50 MB. Two copies of the record for which confidentiality is sought must be submitted, on separate media if electronic, each marked with the title of the record and "confidential." (§ 1208.1) The application should be on a sheet separate from, but may be attached to, the record. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

Please note that the applications are not confidential and are public records.

TO: Energy Commission Docket Unit

Applicant: CalCERTS, Inc.

Address: 31 Natoma Street, Suite 120

Phone and E-mail: 916-805-5240, mike@calcerts.com

Proceeding or Project Name: HERS Provider Application 2016 Standards

Docket Number: 16-HERS-01

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

CalCERTS, Inc. 2016 Application

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.
Exhibits B-M.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

Length of time should match prior designations issued by the CEC to CalCERTS.

**APPLICATION FOR CONFIDENTIAL DESIGNATION****(Title 20 Cal. Code. Regs., § 2505 et seq.)**

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- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.
20 CCR 1674(b), 20 CCR 2505, 20 CCR 2025, California Government Code section 6254
- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.
The application materials contain proprietary information and trade secrets.
Confidential designation has been previously granted for this information.
4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.
Training materials cannot be aggregated to protect value of materials.
Other information should not be disclosed without prior approval from CalCERTS.
5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.
CalCERTS' proprietary training materials are disclosed to students.

I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: May 24, 2016

Signed: 

Name: (print or type) Michael Bachand

Title: (print or type) CEO

Representing: CalCERTS, Inc.

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.



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Folsom, CA 95630
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Fax: 916-985-3402
Email: info@calcerts.com
Website: www.calcerts.com

September 28, 2015

VIA EMAIL & U.S. MAIL

Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, California 95814
Rob.Oglesby@energy.ca.gov

**Re: Request for Confidential Designation for CalCERTS, Inc.'s 2016 HERS
Provider Application**

Dear Director Oglesby:

CalCERTS, Inc. is currently applying for recertification as a Home Energy Rating System (HERS) Provider, pursuant to Chapter 4, Article 8, Sections 1670-1675 of Title 20 of the California Code of Regulations, (hereinafter referred to as "HERS Regulations"). CalCERTS is presently a certified HERS Provider, receiving approval from the California Energy Commission (Commission) for applications submitted in 2003, 2009, and 2013. With each application, CalCERTS has requested and received a designation that all application materials be maintained as confidential pursuant to section 1674(b) of the HERS Regulations. This letter serves as CalCERTS' formal request for a Confidential Designation for its 2016 application.

Pursuant to section 2505 of Title 20 of the California Code of Regulations and section 6254 of the California Government Code, CalCERTS is permitted to request a Confidential Designation for each application submitted to the Commission. Further, repeat requests for Confidential Designations are automatically granted if the facts and circumstances relevant to confidentiality remain unchanged from the prior application. (*See* 20 CCR 2505(a)(4).) This letter serves as CalCERTS' formal request pursuant to these provisions.

Attached to this letter is a certification executed by Michael E. Bachand, President of CalCERTS, which states that CalCERTS' 2016 recertification application meets the criteria for a Confidential Designation. CalCERTS respectfully requests the Commission to grant its request, and that the designation be maintained for as long as the submitted materials meet the criteria for trade secret, proprietary, or confidential status.

Please do not hesitate to contact me at shelby@calcerts.com or (916) 805-5240, if you have any questions.

Sincerely,



Shelby M. Gatlin, Esq.

Attachment

Cc: (Email only)

Mike Bachand, CalCERTS, Inc.
Charlie Bachand, CalCERTS, Inc.
Kourtney Vaccaro, California Energy Commission
Lea Haro, California Energy Commission
Rashid Mir, California Energy Commission
Suzie Chan, California Energy Commission
James Haile, California Energy Commission

ATTACHMENT A

CERTIFICATION OF MICHAEL E. BACHAND

1. I am the President of CalCERTS, Inc., an approved Home Energy Rating System ("HERS") Provider, and have personal knowledge of the facts set forth in this certification.

2. In 2003, CalCERTS submitted an application to the California Energy Commission (Commission) for approval to engage in the business of training, instruction, and certifying HERS Raters pursuant to sections 1670-1675 of Title 20 of the California Code of Regulations.

3. CalCERTS also submitted a request for a Confidential Designation of its application materials, pursuant to section 2025 of Title 20 of the California Code of Regulations.

4. The Commission certified CalCERTS as a HERS Provider and approved the Confidential Designation for CalCERTS' application materials.

5. Since 2003, CalCERTS has requested and received Confidential Designations for its application materials for recertification as a HERS Provider.

6. CalCERTS' application for recertification as a Provider under the 2016 Building Energy Efficiency Standards is substantially similar to the information contained in all previous applications. All the facts and circumstances relevant to confidentiality remain unchanged.

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this certification are true.

Signed:


Michael E. Bachand, President

Date:

