

DOCKETED

Docket Number:	16-ENFORCE-02
Project Title:	Confidential Designation Applications + Miscellaneous Documents
TN #:	213763
Document Title:	Application for Confidentiality - QC Manufacturing, Inc
Description:	N/A
Filer:	Sabrina Savala
Organization:	Morgan, Lewis & Bockius LLP
Submitter Role:	Applicant
Submission Date:	9/22/2016 1:07:01 PM
Docketed Date:	9/21/2016

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September 20, 2016

VIA FEDERAL EXPRESS

Dockets Unit
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, CA 95814

Re: Application for Confidential Designation

Dear Representative of the Dockets Unit:

Enclosed you will find two copies of an "Application for Confidential Designation" and the document for which confidential designation is sought. This application is not associated with any proceeding pending before the Energy Commission, so there is no docket number. If you have questions, please contact me at the phone number or email address above.

Thank you for your assistance.

Sincerely,

/s/ Monica A. Schwebs

Monica A. Schwebs

Enclosures

c.c. w/encls:
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**APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 05/16)

CALIFORNIA ENERGY COMMISSION

All confidential filings: Individual documents may not exceed 50 MB¹ or be password protected.² The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: docket@energy.ca.gov.

Existing proceedings: Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled "Submit e-filing." Alternatively, go to: <http://www.energy.ca.gov/e-filing/index.html>. 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 list. The application must be uploaded first followed by one or more confidential files.

Filings not associated with any proceeding: Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and "Confidential." (§ 1208.1)

TO: Energy Commission Docket Unit

Applicant: QC Manufacturing, Inc. ("QC Manufacturing")

Address: 43352 Business Park Drive Temecula, CA 92590

Phone and E-mail: Dane Stevenson, QC Manufacturing: (951) 325-6302; dane@qc-mfg.com

Proceeding or Project Name: Appliance efficiency database matter

Docket Number: None

- 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.**

Confidentiality is requested for all pages of the attached letter dated September 13, 2016, from Rick Rothman of Morgan Lewis, on behalf of QC Manufacturing, Inc., to "Paul Jacobs, Assistant Executive Director for Compliance Assistance and Enforcement, California Energy Commission" and the attachments thereto. The letter, together with its attachments, is referred to as the "Letter" below.

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

QC Manufacturing requests that all of the Letter be designated confidential.

¹ Contact the Docket Unit if you cannot reduce the size of your file.

² If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



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

The Letter should be designated confidential permanently. The Letter is a confidential settlement communication which contains information related to settlement offers and issues, as well as confidential business information. Both settlement communications and confidential business information are entitled to protection under the Public Records Act.

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.

The Energy Commission is entitled to keep the Letter confidential under several sections of the Public Records Act which include, but are not limited to, Government Code Section 6924 (b) and 6924(k). Government Code Section 6924(k) incorporates the exemptions from disclosure found in the Evidence Code, such as exemptions for settlement communications and trade secrets.

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.

Granting the request is in the public interest since it will facilitate the exchange of information needed to settle the matter and resolving the matter through settlement, rather than litigation, would decrease both the Energy Commission's and QC Manufacturing's costs. QC Manufacturing also is not willing to provide the Letter to the Energy Commission unless the Application for Confidential Designation is granted since it contains confidential settlement communications and confidential business information the release of which could harm its business interests and could not be legitimately obtained by others.

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.

The Letter does not contain the kind of information which can be aggregated with other information. The Letter also cannot be effectively masked since the entire document is a settlement communication.

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.

The Letter has only been seen by employees of QC Manufacturing and employees of the law firms representing QC Manufacturing in the matter pending before the Energy Commission.

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: September 19, 2016

Signed: /s/ Dane Stevenson



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CALIFORNIA ENERGY COMMISSION

Name (print or type): Dane Stevenson

Title: (print or type) President

Representing: QC Manufacturing, Inc.

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