

DOCKETED

Docket Number:	16-ENFORCE-02
Project Title:	Confidential Designation Applications + Miscellaneous Documents
TN #:	221799
Document Title:	Pilot Automotive, Inc.'s Application for Confidential Designation
Description:	Application for permanent confidential designation.
Filer:	Ryan Landis
Organization:	Polsinelli
Submitter Role:	Applicant Representative
Submission Date:	11/16/2017 4:38:33 PM
Docketed Date:	11/16/2017



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

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

All confidential filings: Individual documents may not exceed 30 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: Pilot Automotive, Inc.

Address: 13000 Temple Avenue, City of Industry, CA 91746

Phone and E-mail: jacquelinemusinde@pilotautomotive.com; 626-937-6988, ext. 6031

Proceeding or Project Name: Pilot Automotive, Inc. Lightning Jump Starters

Docket Number: Reference Number ENF-84

- 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 documents responsive to the CEC email to Pilot Automotive, Inc., dated October 17, 2017 requesting further information from the initial letter sent by the CEC on July 27, 2017 regarding appliance efficiency standards for Pilot Automotive, Inc. Lightning Jump Starters.

These documents include: Letter dated November 16, 2017 (3 pages); and 3 exhibits of product test results (28 pages). Total pages: 31 pages.

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

Pilot Automotive, Inc. requests that the letter dated November 16, 2017 and the corresponding exhibits of product test results be designated as confidential (31 pages).

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 information should be designated confidential permanently. The information includes confidential settlement communications, which contains confidential business information, including customer and sales information as well as product test results.

- 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 Public Records Act at Government Code Sections 6254(f) and 6254(k) allow for the exemption of disclosure of records pertaining to the investigation of information by a state agency, and records protected under provisions of the Evidence Code relating to privilege, such as settlement communications.

- 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 designation of confidentiality is in the public interest in order to facilitate the exchange of information.

The information requested to be designated as confidential includes product testing results and other business information, including identifying customer and sales information, which could unduly harm business operations for Pilot Automotive, Inc. Since this submission is part of a settlement communication, the information is protected under the Evidence Code regarding settlement communications.

- 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 information cannot be masked as all of the documentation is a part of 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 information for which confidentiality is sought has been shared with counsel for Pilot Automotive, Inc. The information has been disclosed only to upper management within Pilot Automotive, Inc.

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: November 16, 2017

Signed:



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type): Jacqueline Musinde

Title: (print or type) Compliance Manager

Representing: Pilot Automotive, Inc.

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