

DOCKETED	
Docket Number:	17-IEPR-02
Project Title:	Electricity Resource/ Supply Plans
TN #:	223711
Document Title:	Anaheim Repeated Confidentiality Application - 2017 IEPR Supply Forms
Description:	Anaheim is refiling the 2017 IEPR Supply Forms. The original 2017 Supply Forms have received repeated confidential designation.
Filer:	Patty Paul
Organization:	City of Anaheim
Submitter Role:	Public Agency
Submission Date:	6/6/2018 3:29:21 PM
Docketed Date:	6/6/2018

Repeated Confidentiality Application

Docket Number: 17-IEPR-02

Project Title: Electricity Resource/ Supply Plans

Applicant: City of Anaheim

1. Identification of the information being submitted, including docket number, title, date, and size (for example, pages, sheets, megabytes).

Docket Number: 17-IEPR-02

Title: CONFIDENTIAL 17-IEPR-02 Anaheim Supply Forms_060618

Date: 06/06/18

Size: 204 KB

2. Description of the data or information for which confidentiality is being requested (for example, particular electricity supply contract categories for particular years).

Repeated confidentiality is being requested for any and all information related to PPM Energy Inc., OrHeber2 and Thermo No. 1, LLC., including historical and future capacity and energy data, and information regarding the bilateral contracts. The following tables summarize the lines to remain confidential in the 2017 Supply Forms submittal.

Tables	Lines
S-1 Capacity Resource Accounting Table	18c, 18d, 18g, 18h
S-2 Energy Balance Table	18c, 18d, 18g, 18h
S-5 Bilateral Contracts Table	18c, 18d, 18g, 18h

3. On Excel forms submitted with prospectively confidential data, identification of specific cells using yellow fills that are consistent with the confidentiality application.

All cells containing information identified above have been highlighted in yellow.

4. A clear description of the period for which confidentiality is being sought for each information category (for example, until December 31, 2017).

Information shall remain confidential until contract expiration. PPM Energy Inc., OrHeber2 and Thermo No. 1, LLC. PPM Energy Inc.'s contracts expire on June 30, 2023 and June 30, 2026.

OrHeber2, Inc.'s contract expires on December 31, 2031. Thermo No. 1 LLC's contract expires on March 1, 2029.

5. An appropriate justification for each confidential data category request, including applicable provisions of the California Public Records Act (Government Code Section 6250 et seq.) and/or other laws.

California Code of Regulations, Title 20 section 2505(b) Governmental Entities. When another federal, state, regional, or local agency or state-created private entity, such as the California Independent System Operator, possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.

6. A statement attesting that a) the specific records to be withheld from public disclosure are exempt under provisions of the Government Code or b) the public interest in nondisclosure of these particular facts clearly outweighs the public interest in disclosure.
 - a. Per #5 above, the specific records to be withheld from public disclosure are exempt under provisions of the Government Code of Regulations, Title 20 section 2505(b).
 - b. The contracts included in this request allow for the delivery of renewable energy and renewable energy attributes. Disclosure of the requested information without a request for confidentiality may place Anaheim in violation of the terms and conditions of its agreements and potentially jeopardize its renewable energy goals. The information could not be easily acquired given it is only communicated between Anaheim and the contracted counterparties.

Under previous Integrated Energy Policy Report (IEPR) proceedings, the CEC has granted confidential designation of data and information related to the following bilateral contracts until contract expiration: PPM Energy Inc., OrHeber2 and Thermo No. 1, LLC. Please refer to the following attachments for details:

- A. Approval of Confidentiality Status, Docket 09-IEP-1B
- B. Approval of Confidentiality Status, Docket 17-IEPR-02

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. I also certify that I am authorized to make the application and certification on behalf of City of Anaheim.

Date: 6/6/18

Signed:

A handwritten signature in cursive script, appearing to read "Mei Pan".

Mei Pan

Senior Integrated Resources Planner

Anaheim Public Utilities

Attachment

- A. Approval of Confidentiality Status, Docket 09-IEP-1B
- B. Approval of Confidentiality Status, Docket 17-IEPR-02

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

**Attachment A. Approval of Confidentiality Status, Docket 09-IEP-1B**

April 15, 2009

Mr. Stephen J. Sciortino
City of Anaheim, Public Utilities Department
201 S. Anaheim Boulevard, Suite 802
Anaheim, CA 92805

DOCKET	
09-IEP-1B	
DATE	APR 15 2009
RECD.	APR 15 2009

RE: **Application for Confidentiality—City of Anaheim**
Docket No. 09-IEP-1B

Dear Mr. Sciortino:

On February 12, 2009, the City of Anaheim, Public Utilities Department (Anaheim) submitted an Application for Confidential Designation in the above-captioned Docket, received at the California Energy Commission on February 13, 2009. The application was deemed to be deficient on February 18, 2009. On April 9, 2009, the City of Anaheim submitted supplemental information to complete the application. This application seeks confidentiality for certain information contained in Anaheim's Electricity Resource Plan filing submitted in connection with the *2009 Integrated Energy Policy Report*. Anaheim is seeking to protect from public disclosure data and information on four S-5 supply forms related to bilateral contracts with the following three counterparties:

- PPM Energy, Inc.
- OrHeber2
- Thermo No. 1, LLC.

In support of its request for confidentiality, the Application from Anaheim states, in part:

All of the data listed on Form S-5, Tab "S-5 Confide.Bilateral Contracts" for the above listed contracts is deemed confidential per our terms and agreements with the counter-party...

The contracts included in this request allow for the delivery of renewable energy and renewable energy attributes. Disclosure of the requested information without a request for confidentiality may place Anaheim in violation of the terms and conditions of its agreements and potentially jeopardize its renewable energy goals. (Application at p. 1.)

Anaheim requests that the Energy Commission keep this information confidential for two years after the expiration dates of the contracts:

PPM Energy Inc.'s contracts expire on June 30, 2023 and June 30, 2026. OrHeber2, Inc's contract expires on December 31, 2031. Thermo No. 1 LLC's contract expires on March 1, 2029. (Application at p.1.)

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 Energy Commission to keep the record confidential. "

Anaheim's confidentiality application makes a reasonable claim to grant confidentiality for the described S-5 forms in their entirety. The information contained on these forms constitutes a trade secret, and could place Anaheim at a competitive disadvantage if disclosure led to early termination of these contracts by the counterparty.

On March 1, 2007, Anaheim provided S-5 supply forms on three of these same four contracts in a filing related to the 2007 IEPR. On March 19, 2007, then-Executive Director B. B. Blevins granted Anaheim's request to designate as confidential all three S-5 forms. Two contracts were with PPM Energy (now Iberdrola Renewables); the third contract is with OrHeber2 Inc. The grant of confidentiality was for the full term of each contract to their expiration dates in 2023, 2026, and 2031. The information contained on S-5 forms submitted in 2009 is substantially similar and, in most ways, identical to the information contained on S-5 forms submitted in 2007.

Therefore, confidential bilateral contract information contained on the above-referenced S-5 forms produced by Anaheim on February 12, 2009 will be kept confidential until the expiration date of each contract in 2023, 2026, 2029, and 2031, not for a period of two years after the expiration of the contracts.

The Energy Commission may use the information submitted by Anaheim in publicly available reports and presentations, but without disclosing confidential information to market participants. To prevent disclosure, confidential data that may be used in reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of Anaheim's confidential supply contracts.

Persons may petition to inspect or copy the 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. Finally, an appeal of this decision must be filed within fourteen days from the date of this

Mr. Stephen Sciortino

April 15, 2009

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decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Jones", with a large, stylized circular flourish at the end.

MELISSA JONES
Executive Director

cc: Docket Office

Jim Woodward, Electricity Analysis Office

DOCKETED

Docket Number:	17-IEPR-02
Project Title:	Electricity Resource/ Supply Plans
TN #:	217406
Document Title:	Response to Application for Confidentiality - Anaheim
Description:	N/A
Filer:	Sabrina Savala
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	5/4/2017 11:26:39 AM
Docketed Date:	5/4/2017

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 3, 2017

Mei Pan
Anaheim Public Utilities
210 South Anaheim Blvd
Anaheim, CA 92805

RE: **Application for Confidential Designation for Data Included in the
Electricity Resource/Supply Plans for the 2017 IEPR
Docket No. 17-IEPR-02**

Dear Ms. Pan:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of California Department of Water Resources (Applicant). In accordance with California Code of Regulations, title 20, section 2505(b), Applicant seeks confidential designation as a federal, state, regional, or local agency or state-created private entity, which possesses information pertinent to the responsibilities of the California Energy Commission that has been designation by that agency as confidential under the Public Records Act, or the Freedom of Information Act. Therefore, the California Energy Commission designates the following Electricity Resource/Supply Plan forms as confidential (Confidential Records):

1. S-1 Capacity Resource Accounting Table;
2. S-2 Energy Balance Table; and
3. S-5 bilateral Contracts Table.

This grant of confidentiality is only for those highlighted portions of the Confidential Records specified in the application. Please file a public version of the forms to the docket. This public document should be redacted only to the point necessary to protect confidentiality.

Ms. Pan
May 3, 2017
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If you have any questions concerning this matter, please contact Michelle Chester, Staff Counsel, at (916) 651-2935.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Chester", followed by a horizontal line.

Michelle Chester
Staff Counsel

cc: Docket Unit, California Energy Commission
John Hingtgen, California Energy Commission