

DOCKETED

Docket Number:	16-ENFORCE-02
Project Title:	Confidential Designation Applications + Miscellaneous Documents
TN #:	227302
Document Title:	Application for Confidential Designation for Dorcy International
Description:	N/A
Filer:	Elizabeth Simms
Organization:	Kahn, Soares & Conway, LLP
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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: Dorcy International

Address: 2700 Port Road, Columbus, Ohio 43217

Phone and E-mail:

Proceeding or Project Name:

Docket Number: Enf-137 Dorcy International

- 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.**

Dorcy International ("Dorcy") requests that the following documents be maintained as confidential for consideration by the California Energy Commission:

- i) Letter of explanation; ii) CYC-1080 spot lamp Bill of Material dated October 5, 2018; iii) Schematics of old 1080 V.5 (dated 2017-11-02); and
iv) Schematics of 1080 high efficiency version (dated 2018-08-02)

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

Dorcy requests that the letter, bill of material and schematics remain 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 Energy Commission should maintain this data as confidential until destroyed or removed from its records. Dorcy only requires the data to be maintained a sufficient amount of time for the Energy Commission to consider factors in our negotiations to resolve this deficiency violation.

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.

Gov. Code section 6254.15; Evidence Code section 1060; Civil Code section 3426.1. (See attached letter.)

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 material provided in this application contains valuable trade secret information that if disclosed to the public, would be detrimental to Dorcy's business. The viability of Dorcy depends upon maintaining a competitive edge in the design and manufacturing of our products. Not only would the disclosure of these trade secrets result in a loss of a competitive advantage, it would jeopardize our business altogether.

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 in the Bill of Materials and Schematics provided cannot be disclosed if aggregated with other information. However, the general description of the changes made contained in the introductory letter stating only that the previous model is updated with a higher efficiency charging board may be disclosed. Information to be concealed includes all information contained in the attachments as well as the specific process of alteration.

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 material contained in this application has not been disclosed to any person other than specific employees and legal counsel.

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: March 8, 2019

Signed: _____



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CALIFORNIA ENERGY COMMISSION

Name (print or type): Ann M. Grottveit

Title: (print or type) Counsel

Representing: Dorcy International

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