

DOCKETED

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Project Title:	Electricity and Natural Gas Demand Forecast
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Document Title:	Direct Energy Business LLC Confidentiality Request
Description:	Request for Confidentiality for 19-IEPR-03 Submission of Direct Energy Business, LLC
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Organization:	Direct Energy Business, LLC
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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

2019 Integrated Energy Policy Report (IEPR)

Docket No. 19-IEPR-03
(Electricity Demand Forecasts)

**APPLICATION OF DIRECT ENERGY BUSINESS, LLC
FOR DESIGNATION OF CONFIDENTIAL RECORDS**

Pursuant to Section 25322 of the Public Resources Code (“PRC”) and Section 2505(a) of Title 20 of the California Code of Regulations (“CCR”), Direct Energy Business, LLC, formerly Strategic Energy, L.L.C. (“Applicant”) hereby requests that the Commission designate as confidential the information specified herein and submitted by Applicant on April 15, 2019, concerning Applicant’s historical and forecast load data contained in ESP Report of Loads and Resources Under Contract, Form 7.1.

I. ESP REPORT of LOADS AND RESOURCES UNDER CONTRACT

A. Form 7.1

1. Data Reported in Form 7.1

Form 7 contains the following information for each utility distribution area in which Applicant serves load:

- Applicant’s historical and projected annual retail sales for customers under contract, stated in megawatt-hours (“MWh”).
- Applicant’s historical and projected annual peak demand, stated in megawatts (“MW”).
- Applicant’s historical and projected residential and non-residential customer counts.

The period covered by the information contained in Form 7 is 2015 through 2024, the last year in which Applicant currently has load under contract.

2. Request for Confidential Designation

Applicant requests that ALL information contained in Form 7.1 for years 2019 through 2024 be designated as confidential for three calendar years including the reporting year, i.e., to December 31, 2022.

3. Grounds for Confidential Designation

Section 2505(a)(4) of the Commission's regulations provides that an application for designation of confidential records will be granted if the information for which the applicant is seeking a confidential designation is "substantially similar to information that was previously deemed confidential by the Commission."

On February 9, 2005, Applicant submitted its responses to the Commission's Demand Forecast data requests for the 2005 IEPR. Applicant's responses included the following Demand Forecast forms:

- Form 1.1 – Retail Sales of Electricity By Sector
- Form 1.3 – Coincident Peak Demand By Sector
- Form 2.4 – Customer Count and Other Forecasting Inputs

The information contained in those forms included Applicant's historical and forecast annual electricity sales (MWh), peak demand (MW), customer counts, and average annual growth rate (%) for each category of data.

At the time Applicant submitted Forms 1.1, 1.3 and 2.4, it submitted an application to the Executive Director requesting that the information reported in the forms be designated as confidential on the grounds that it was "trade secret" information.

By letter dated March 9, 2005, the Executive Director granted confidentiality for the geographic-level information reported by Applicant in forms 1.1 (retail sales in MWh) and 1.3 (peak load in MW), and for all of the information in Form 2.4 (customer counts). The Executive Director found that Applicant had made a reasonable argument for classifying this information as confidential "since it could provide [Applicant's] competitors with a competitive advantage if made public." That is, it was trade secret information. The Executive Director's grant of confidentiality was for a period of three years.

Subsequently, on February 2, 2007, Applicant submitted its responses to the Commission's Demand Forecast data requests for the 2007 IEPR. Applicant's responses included the following Demand Forecast form:

- Form 6 – ESP Report of Loads and Resources Under Contract

The information contained in Form 6 included Applicant's historical and forecast annual electricity sales (MWh), peak demand (MW), customer counts, and average annual growth rate (%) for each category of data.

At the time Applicant submitted Form 6, it submitted an application to the Executive Director requesting that the information reported in the form be designated as confidential on the grounds that it was "trade secret" information.

By letter dated March 1, 2007, the Executive Director granted confidentiality for all of the information reported by Applicant in Form 6 (retail sales, peak load, customer counts, and average growth rate (%) for each category of data). The Executive Director found that Applicant had made a reasonable argument for classifying this information as confidential since "[t]he information contained on this form constitutes a trade secret, and would place [Applicant] at a competitive disadvantage if disclosed." The Executive Director's grant of confidentiality was for a period a three years, i.e., to December 31, 2009.

The Demand Forecast information set forth in Form 7 for which Applicant is seeking a confidential designation is substantially similar to the Demand Forecast information that was previously granted confidentiality as discussed above. Moreover, all pertinent facts and circumstances remain unchanged from Applicant's previous confidentiality application.

4. Aggregation of Data

Applicant has no objection to the forecast information submitted by Applicant being made public if first aggregated with the similar data reported by all ESPs, as provided in the Final Demand Forecast Forms and Instructions (CEC-200-2010-007-CMF).

Certification

The undersigned is authorized to make this application and the following certification on behalf of Applicant:

"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."

DIRECT ENERGY BUSINESS, LLC

By: Barbara Farmer

Name: Barbara Farmer

Title: Licensing & Reporting Analyst

Date: April 15, 2019