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Project Title:	Electricity Resource Plans
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Document Title:	19IEPR 02 Confidentiality Request Direct Energy Business LLC
Description:	Confidentiality Request of Direct Energy Business, LLC for the 2019 IEPR Supply Forecast
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Submitter Role:	Applicant
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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-02
(Electricity Resource Plans)

**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 19, 2019 concerning Applicant's bilateral contract information contained in Electricity Resource Planning Forms S-1, S-2 and S-5, respectively.

I. ELECTRICITY RESOURCE PLANNING FORMS

A. Form S-1— Capacity Resource Accounting Table

Applicant has submitted Form S-1 that contains data for each utility distribution area in which it has forecasted load, with Form S-1 containing the following information for the applicable utility distribution areas:

Peak Load Calculation Table:

- Applicant's forecast annual peak-hour load demand, in megawatts ("MWh"), for the six-year period 2019 - 2024.
- Applicant's forecast annual peak-hour load demand (MWh) for existing customer contracts for the six-year period 2019 - 2024.
- Applicant's forecast annual peak-hour load demand (MWh) for new and renewed customer contracts for the six-year period 2019 - 2024.
- Applicant's forecast annual peak-hour load demand (MWh), for the six- year period 2019 – 2024 by utility distribution area.
- Applicant's Required Planning Reserve Margin (MWh), for the six-year period 2019 - 2024.
- Applicant's forecast of Firm Sales Obligations (MWh), for the six-year period 2019 – 2024.

- Applicant's Firm LSE Procurement Requirement for the six-year period 2019- 2024

Energy Procurement Requirements Table:

- Applicant's forecast Annual Energy Demand, in megawatt-hours ("MWh"), for the six-year period 2019 - 2024.
- Applicant's forecast annual energy demand (MWh) for existing customer contracts for the six-year period 2019 - 2024.
- Applicant's forecast annual energy demand (MWh) for new and renewed customer contracts for the six-year period 2019 - 2024.
- Applicant's forecast annual energy demand (MWh), by utility distribution area, for the six-year period 2019 – 2024.
- Applicant's Adjusted Demand: End-User Customers (MWh), for the six-year period 2019- 2024.
- Applicant's Firm Sales Obligations for the six-year period 2019-2024.
- Applicant's Firm LSE Procurement Requirement for the six-year period 2019-2024.

B. Form S-2 — Energy Resource Balance Accounting Table

Applicant has submitted Form S-2 that contains data for each Capacity Supply Resource (MW), with Form S-2 containing the following information:

- 1) Applicant's Capacity Supply Resource (MW) that contains Contract Name; Plant /Unit Identifier CEC ID; Plant /Unit Identifier EIA ID; Plant /Unit Identifier CAISO ID; Fuel Type and Energy Supply Resources (GWh) for eleven-year period of years 2019 – 2030.
- 2) Applicants Total Other Bilateral Contract Supply that contains the Contract Name; Plant /Unit Identifier CEC ID; Plant /Unit Identifier EIA ID; Plant /Unit Identifier CAISO ID; Fuel Type and Capacity for years the eleven-year period of 2019 – 2030.
- 3) Applicant's Short Term and Spot Market Purchases (Sales) for the six-year period 2019 – 2024.
- 4) Applicant's Short Term and Spot Market Purchases (and Sales) for the five-year period 2019 - 2023
- 5) Applicant's Capacity / Energy Balance Summary:
 - (i) Total Existing and Planned Resources (MWh) for eleven-year period 2019- 2030

- (ii) Firm LSE Procurement Requirement (MWh) for the eleven-year period 2019 – 2030.
- (iii) Applicant's Net Surplus (or Need) for the eleven-year period 2019 – 2030.

C. Form S-5 — Bilateral Contracts and Power Purchase Agreements

Applicant has submitted Form S-5 that contains detailed information about each bilateral contract and power purchase agreement with a term of three months or more that it has signed with suppliers of energy and capacity. The contract information contained in Form S-5 includes Supplier name, Contract Start /Expiration Date, Capacity Under Contract, Resource Type, delivery point, and other material terms and conditions.

D. Request for Confidential Designation

Applicant requests that all of the information contained in Form S-1 and Form S-2 be designated as confidential for three (3) years including the reporting year, i.e., to December 31, 2022. In addition, Applicant requests that all of the information contained in Form S-5 be designated as confidential for three years including the reporting year (i.e., to December 31, 2022) or through the end of the contract term, whichever is later.

E. 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 April 13, 2007, Applicant submitted its responses to the Commission's Electricity Resources data requests for the 2005 IEPR. Applicant's responses included the following Electricity Supply forms:

- Form S-1 — Capacity Resource Accounting Tables
- Form S-2 — Energy Resource Balance Accounting Tables
- Form S-5 — Bilateral Contracts

At the time Applicant submitted the above Electricity Supply forms, it submitted an application to the Executive Director requesting that the information reported in the forms be designated as confidential on the grounds that the information contains trade secrets, and that disclosure of the information would cause Applicant to suffer a loss of competitive advantage.

By letter dated February 27, 2007, the Executive Director granted Applicant's confidentiality application for the information reported in Form S-1 and Form S-2 for a period of three (3) years

ending December 31, 2009, except for information contained on Line 67 of Form S-2. In addition, the Executive Director granted confidentiality for the bilateral contract information reported in Form S-5 until December 31, 2009, or the end of the contract term, whichever is later. The Executive Director found that the aforesaid information constitutes a trade secret and that Applicant had made a reasonable argument for classifying the information as confidential since "it would place [Applicant] at a competitive disadvantage if made public."

The Electricity Resource Planning information for which Applicant is seeking a confidential designation is substantially similar to the Electricity Resources Planning information that was previously granted confidentiality as discussed above. Accordingly, all of the information contained in the attached 2019 IEPR Electricity Resource Planning forms should be designated as confidential.

F. Aggregation of Data

The data and information submitted by Applicant in the attached Electricity Resource Planning forms may be released to the public if first aggregated with the data and information submitted by other load-serving entities ("LSEs") as follows:

1. Geographic-level data in Form S-1 and Form S-2 should be aggregated with the geographic-level data of all other LSEs serving load in the applicable geographic area (utility service territory).
2. Statewide-level data and information about existing and planned resources in Form S-1 and Form S-2 should be aggregated with the statewide-level data and resource information of all electric service providers ("ESPs").
3. Bilateral contract information in Form S-5 should be aggregated with the bilateral contract information of all other ESPs.

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: 

Name: Barbara Farmer

Title: Licensing and Reporting Analyst

Date: April 18, 2019