

DOCKETED

Docket Number:	19-IEPR-03
Project Title:	Electricity and Natural Gas Demand Forecast
TN #:	228511
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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:

Address:

Phone and E-mail:

Proceeding or Project Name:

Docket Number:

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.**

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

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.

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.

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.

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.

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.

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: _____

Signed: _____



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(Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type): _____

Title: (print or type) _____

Representing: _____

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

Attachment 2

June 3, 2019

Drew Bohan, Executive Director
Docket No. 19-IEPR-03 Electricity and Natural Gas Demand Forecast
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814-5504

Re: Application of Silicon Valley Clean Energy Authority for Confidential Designation of Information Contained in its 2019 IEPR Demand Forecast Form (Form 8.1a).

Dear Mr. Bohan,

Silicon Valley Clean Energy Authority (“SVCE”) requests that certain information included in its completed 2019 Integrated Energy Policy Report (“IEPR”) Demand Form (Form 8.1a) being submitted to the California Energy Commission (“CEC”) be designated confidential pursuant to Title 20, Cal. Code. Regs., Section 2505 et seq.

In accordance with the CEC’s *Forms and Instructions for Submitting Electricity Demand Forecasts Prepared in Support of the 2019 Integrated Energy Policy Report*, SVCE is providing the following information in support of its application for confidentiality designation.

Contact Information

Applicant: Silicon Valley Clean Energy Authority
Address: 333 W. El Camino Real, Suite 290
Sunnyvale, CA 94087

All correspondence regarding this filing should be transmitted by electronic mail to the attention of:

Hilary Staver
Manager of Regulatory and Legislative Affairs
Silicon Valley Clean Energy Authority
hilary.staver@svcleanenergy.org

Description and Identification of Confidential Information

SVCE seeks confidential treatment of information regarding budget appropriations, actual costs, and projected costs for bilateral renewable resource contracts, bilateral battery storage projects, and “all other bilateral contracts.” This information is provided in Columns C-P of Rows 43, 44, and 45 in SVCE’s Form 8.1a. The information subject to SVCE’s confidentiality application has been highlighted in yellow cell-fill in SVCE’s confidential Form 8.1a submission.

Length of Time the Information Should Be Kept Confidential

SVCE requests that the information regarding SVCE's bilateral contracts be kept confidential for a period of 3 years. This length of time is needed to ensure that SVCE's detailed bilateral contract cost information remains secure from market participants who could otherwise make competitive use of this information to the detriment of SVCE, SVCE's ratepayers, and the electricity market as a whole.

Provisions of Law Allowing the Commission to Keep the Documentation Confidential

The Public Records Act exempts "trade secrets" from public disclosure, including "any formula, plan, . . . production data, or compilation of information . . . , which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service . . . and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Govt. Code § 6254.7(d).)

The Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage." (20 CRR § 2505(a)(1)(D).)

Form 8.1a contains actual, budgeted, and projected cost information for SVCE's bilateral contracts. SVCE is a relatively small program compared to the large investor owned utilities ("IOUs") like Pacific Gas and Electric ("PG&E"), and SVCE procures its electricity through a relatively small number of contracts. If provided with SVCE's cost information for unilateral energy contracts, other market participants could easily estimate the cost of individual project contracts, giving suppliers and competitors an advantage and harming SVCE and its customers.

The Submitted Information Is Presently Confidential

SVCE does not publicly disclose its bilateral contract prices, actual costs, or projected costs. SVCE considers such information market sensitive, as public disclosure of this information could compromise SVCE's competitive position in the electricity market and is protected from disclosure by the CPUC.

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 SVCE.

Dated: June 3, 2019

/s/ Hilary Staver

Hilary Staver

Manager of Regulatory and Legislative Affairs
Silicon Valley Clean Energy Authority
hilary.staver@svcleanenergy.org