

DOCKETED

Docket Number:	20-AAER-03
Project Title:	Amend Title 20 Computer and Monitor Regulations
TN #:	233818
Document Title:	Intel application for confidential designation of Intel Gb LAN data
Description:	N/A
Filer:	Shahid A. Sheikh
Organization:	Intel Corporation
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July 8, 2020

APPLICATION FOR CONFIDENTIAL DESIGNATION

TO: California Energy Commission Docket Unit

Applicant: Intel Corporation

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Proceeding or Project Name: Appliance Efficiency Standards Rulemaking for Computers and Computer Monitor

Docket Number: 20-AAER-03

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.

Title: 2.5Gb Ethernet LAN Adder

Date: July 8, 2020

Description: Proposal for Typical Energy Consumption (TEC) allowance (adder) for >1 and <10 Gb LAN solutions on desktop and integrated desktop computers

Number of Pages: One

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

Intel's 2.5Gb LAN, power value ranges for different power modes, and the resulting TEC allowance (adder)

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

24 months; The power data for Intel's 2.5Gb LAN is expected to remain confidential for 24 months due to competitive reasons

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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, § 6254.15: *"Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California. Except as provided below, incentives offered by state or local government agencies, if any, shall be disclosed upon communication to the agency or the public of a decision to stay, locate, relocate, or expand, by a company, or upon application by that company to a governmental agency for a general plan amendment, rezone, use permit, building permit, or any other permit, whichever occurs first. The agency shall delete, prior to disclosure to the public, information that is exempt pursuant to this section from any record describing state or local incentives offered by an agency to a private business to retain, locate, relocate, or expand the business within California."*

The above provision applies because the data sought to be kept confidential (Intel's 2.5Gb LAN power value ranges for power modes and other power data) is a trade secret of Intel and thus corporate proprietary information of the type contemplated by the provision.

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 public interest in non-disclosure is to maximize consumer welfare which is best served by fair market competition. In this case, the material (Intel's 2.5Gb LAN power value ranges) is Intel's trade secret itself, and so the trade secret would be lost by public disclosure of the material. This power data is of significant competitive value to Intel and could be used by Intel's competitors to unfairly compete with Intel. Finally, while it is theoretically possible to estimate power range data by purchasing Intel's 2.5Gb LAN product when available and using sophisticated measuring equipment, it would be difficult in

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actual practice to discern with any degree of precision because the relevant circuitry is on a board.

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 or data could be disclosed by CEC, provided the data is for like products with similar capability and gathered from 3 or more suppliers, and data is aggregated in a way that Intel's 2.5 Gb LAN specific data is not knowable.

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 data is kept confidential through a documented process and training for classifying or handling classified documents and information within the company, and discussing or releasing classified information external to Intel after appropriate non-disclosure agreements are in place. Intel's 2.5Gb LAN, power data is only disclosed to relevant customers with non-disclosure agreements.

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: July 8, 2020

Signed: Shahid Sheikh (E-signed)

Name (Print or Type): Shahid A. Sheikh

Title (Print or Type): Director, Product Energy Efficiency Policy

Representing: Intel Corporation