

DOCKETED

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September 16, 2021

California Energy Commission
Docket # 21-IEPR-03
1516 Ninth Street, MS-39
Sacramento, CA 95814

RE: CleanPowerSF's Application for Confidentiality for Electricity Resource Plan Supply forms issued by the California Energy Commission for the 2021 Integrated Energy Policy Reporting Docket No. 21-IEPR-02

In conjunction with the filing of its Electricity Resource Plan Supply forms, CleanPowerSF hereby simultaneously submits its application for confidentiality for its Resource Plan Supply forms in Docket No. 21-IEPR-02. CleanPowerSF is the community choice aggregator ("CCA") for the City and County of San Francisco, which is operated by the San Francisco Public Utilities Commission.

I. Identification of Confidential Information

CleanPowerSF requests confidentiality for certain identified information in Forms S-1, S-2, and S-5, the Electricity Resource Plan Supply forms issued by the California Energy Commission. The data for which CleanPowerSF seeks confidential designation in S-1, S-2, and S-5 is clearly highlighted in yellow, and the confidential versions are conspicuously labeled as Confidential.

The information falls into two broad categories: 1) information related to CleanPowerSF's resource adequacy obligation, forecasts, and projected compliance; and 2) CleanPowerSF's energy demand forecasts and projected Renewables Portfolio Standard compliance.

The confidential information in Form S-1 includes the "Peak Load Calculations" and related inputs. Specifically, Lines 1, 5-8, and 11, Columns I-

CleanPowerSF is a program of the San Francisco Public Utilities Commission (SFPUC), an enterprise department of the City and County of San Francisco.

CleanPowerSF is committed to protecting customer privacy. Learn more at cleanpowersf.org/privacy.

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

London N. Breed
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Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



R. It also includes the “Energy Demand Calculations” and related inputs. Specifically, Lines 12, 16, and 18, Columns I-L.

The confidential information in Form S-2 includes the “Total Renewable Contract Supply” and the contract supply and energy information from individual contracts as well as the Capacity/Energy Balance Summary which consists of “Total: Existing and Planned Supply,” “Firm LSE Procurement Requirement,” and “Net Surplus (or Need).” The confidential information is in the following cells:

Confidential Information in S-2 by Row/Column:

Line 6a Columns I-R; Columns V-Y

Line 6k Columns V-Y

Line 6l Columns V-Y

Line 6m Columns G-R; Columns V-Y

Line 6n Columns G-R; Columns V-Y

Line 6o Columns V

Line 6t Columns I-R; Columns V-Y

Line 6aw Column V

Line 6ct Column V

Line 6fj Column V

Line 6fk Column V

Line 6gr Columns J-R; Columns V-Y

Line 6gs Columns J-R; Columns V-Y

Line 6gt Columns J-R Columns V-Y

Line 6gu Columns J-R; Columns V-Y

Line 7a Columns I-R; Columns V-X

Line 7h Column V

Line 7j Column V

Line 7u Columns V-X

Line 7v Column V

Line 7ab Column V

Line 7ae Column V

Line 7ah Column V

Line 7cg Column V

Line 7ch Column V

Line 7ci Columns W - X

Lines 7dm – 7ef Column I

Line 7eg Column J

Line 7eh Columns J – R

Line 7ei Column J

Line 7ej Column K

Line 7ek Columns L – Q

Lines 9-11 Columns I-R; V-Y

The confidential information in Form S5 is Line 6o Column K.

II. Time Period for Confidential Treatment

CleanPowerSF requests confidential treatment for three (3) years until December 31, 2024 unless otherwise noted. This parallels the amount of time that CleanPowerSF protects its forecasts in CPUC proceedings.

A. Capacity

For capacity forecasts related to resource adequacy, CleanPowerSF seeks confidentiality for the current year and whole ten-year forecast period. CleanPowerSF keeps the actual resource adequacy capacity for 2019-2020 confidential for contracts where those years of the contract would reveal the capacity amount for every year. CleanPowerSF notes that for the capacity procurement obligation it seeks confidentiality for every year because CPUC confidentiality provides this number to CleanPowerSF on a confidential basis. Similarly, designated bilateral contract capacity information and total supply position should be maintained confidential for the length of the redaction because any release of that information may reveal the yearly capacity or be used to calculate it.

B. Energy

For the energy forecasts and related inputs, CleanPowerSF seeks confidentiality for the current year and the three-year forecast period.

III. Justification for Request of Confidential Treatment

CleanPowerSF seeks confidential treatment on two grounds: 1) The Commission's regulations allow for information to be designated as confidential "[i]f the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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."¹ 2) The Public Records Act and the California Public Utilities Commission ("CPUC") confidentiality decisions

¹ 20 Cal Code Regs. § 2505(a)(1)(D).

allow the Commission to keep the information confidential.² California Government Code Section 6255(a) allows for information to be exempt from public disclosure if on the facts that the public interest in nondisclosure clearly outweighs the public interest in disclosure.

Confidential protection for the information in Forms S-1, Form S-2 and S-5 is justified because this information constitutes highly confidential and market-sensitive information, which, if released, would place CleanPowerSF at a competitive disadvantage to other market participants.

First, the designated resource adequacy capacity information constitutes confidential and highly-sensitive market information which CleanPowerSF protects. The CPUC assigns CleanPowerSF a confidential procurement obligation that CleanPowerSF strictly guards and protects. Revealing the actual procurement obligation would provide significant insight into CleanPowerSF's procurement obligation and forecast and may allow a party to forecast CleanPowerSF's RA obligation.

If publicly disclosed, the designated information could be used to determine forecasted power and capacity needs. The release of capacity information related to RA would compromise the available markets for capacity, and allow dominant market participants to exercise market power and manipulate compliance with the CPUC's RA program. As a consequence, there would be a severe negative impact on the ability of CleanPowerSF to negotiate and procure RA capacity on terms reasonable for its ratepayers. That information could also be used by market participants to refine business strategies and cause competitive harm.

Second, the designated energy information constitutes confidential and highly-sensitive market information which CleanPowerSF protects. If publicly disclosed, the information could be used to determine current and forecasted energy needs. Disclosure of such valuable, highly-sensitive market information would enable any interested person to identify in great detail CleanPowerSF's renewable procurement net short. Release of information would materially compromise CleanPowerSF's ability to negotiate and procure renewable energy contracts on terms reasonable for its ratepayers. That information could also be used by market participants to refine business strategies and cause competitive harm.

The public interest served by disclosing this information is clearly outweighed by the public interest in withholding such information from

² See *Id.*

disclosure, given the sensitivity of the information and the potential harm that would be caused by its disclosure.

The demand and energy forecasts and related inputs calculations and the bilateral contract information are also the type of information covered by CPUC confidentiality decisions and the ESP Matrix which applies to all Community Choice Aggregators (“CCAs”) including CleanPowerSF.³


IV. CleanPowerSF Maintains the Confidentiality of this Information

CleanPowerSF guards the confidentiality of this information. CleanPowerSF seeks confidential treatment of the same and similar information every time it is required to file the same or similar data with the CPUC. CleanPowerSF keeps this information confidential by filing declarations and motions based on a confidentiality matrix developed by the CPUC. Further, the designated confidential data and information: (1) is not already public; and (2) cannot be aggregated, redacted, summarized or otherwise protected in a way that allows partial disclosure. The information could be aggregated on a statewide basis with the same type of data reported by other load serving entities if the information is stripped of any identifier to CleanPowerSF.

V. Certification of CleanPowerSF Director

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and completed to the best of my knowledge. I also certify that I am authorized to make the application and certification on behalf of CleanPowerSF.

Sincerely,



Michael A. Hyams
Director CleanPowerSF

³ See CPUC Decision (D.) 06-06-066, 08-04-023, D.20-07-005 pp. 3-5 (CPUC makes ESP Matrix applicable to CCAs), General Order (GO) 66-D, and CPUC ESP Matrix §§ I.C. (RPS contracts); II.A (Detailed load forecasts (both year ahead and month ahead)); II.B (Supply data (both year ahead and month ahead)); III.B (LSE Total Peak Load Forecast (MW)); III.C (LSE Total Energy Forecast (MWh)); and IV.C (Bilateral Contracts).