

**DOCKETED**

<b>Docket Number:</b>	19-HERS-01
<b>Project Title:</b>	2019 HERS Providers' Application for the 2019 Building Energy Efficiency Standards
<b>TN #:</b>	240894
<b>Document Title:</b>	Application for Confidential Designation
<b>Description:</b>	*** THIS DOCUMENT SUPERSEDES TN 240891 ***
<b>Filer:</b>	Austin Grove
<b>Organization:</b>	CHEERS
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	12/10/2021 10:12:09 AM
<b>Docketed Date:</b>	12/10/2021



# APPLICATION FOR CONFIDENTIAL DESIGNATION (Title 20 Cal. Code. Regs., § 2505 et seq.)

CEC-13 (Revised 11/2021)

CALIFORNIA ENERGY COMMISSION

**All confidential filings:** Individual documents may not exceed 30 MB<sup>1</sup> or be password protected.<sup>2</sup> 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](mailto: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: [https://efiling.energy.ca.gov/Login.aspx?perms\\_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx](https://efiling.energy.ca.gov/Login.aspx?perms_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx). 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: CHEERS

Address: 1610 R Street, Suite 200, Sacramento, 95811

Phone and E-mail: [agrove@cheers.org](mailto:agrove@cheers.org)

Proceeding or Project Name: 2019 HERS Providers' Application Amendment for the 2019 Standard

Docket Number: 19-HERS-01

- 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.**

2019 HERS Providers' Application Amendment for the 2019 Standards

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

The letter to Michael Sokol and attachment

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<sup>1</sup> Contact the Docket Unit if you cannot reduce the size of your file.

<sup>2</sup> If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

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

10 Years. This is consistent with the Commission's prior approval of confidentiality for HERS Providers. See docket 16-HERS-01.

TN# 212469

- 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.

Title 20 CCR Section 1674(b); Title 20 CCR Section 2505; Title 20 CCR Section 2025; CA Government Code Section 6254

- 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 material enclosed discloses differential advantages and use of efficient internal systems which allows CHEERS to provide its services more efficiently, more effectively, and of higher quality to its customers. CHEERS has spent hundreds of thousands of dollars in research and development creating these intellectual properties which are signature to the CHEERS brand.

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.

None of the materials we are seeking confidential designation for are appropriate for aggregation.

Given the minimal docket submissions along these lines, any aggregation would likely reveal confidential information.

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 confidential material has been kept confidential by the applicant and not disclosed and not disclosed to any person other than applicant staff and any persons named in the submission.

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: 12/10/2021

Signed: Austin Grove



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type): Austin Grove  
Title: (print or type) Technical Product Manager  
Representing: CHEERS

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