

**DOCKETED**

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<b>Project Title:</b>	Electricity Forecast
<b>TN #:</b>	245958
<b>Document Title:</b>	CleanPowerSF Application for Confidential Designation
<b>Description:</b>	CleanPowerSF 2022 IEPR Resource Plan Application for Confidential Designation
<b>Filer:</b>	Grace Kay
<b>Organization:</b>	San Francisco Public Utilities Commission
<b>Submitter Role:</b>	Public Agency
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September 9, 2022

California Energy Commission  
Docket # 22-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 2022 Integrated Energy Policy Reporting Docket No. 22-IEPR-03**

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. 22-IEPR-03. 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, S-2A, 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, S-2A and S-5 is clearly highlighted in yellow, and the confidential versions are conspicuously labeled as Confidential.

CleanPowerSF provided Form S-1 (Capacity/Energy Requirement), and Form S-2 (Capacity/Energy Supply Resources) in 2021 IEPR Forms. The Energy Commission granted confidentiality to the below and similar data categories in the 2021 IEPR forms. The new data being provided this year in these categories are unchanged or substantially similar to information provided in the 2021 IEPR form and "the facts and circumstances relevant [to this

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**Dennis J. Herrera**  
General Manager

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](https://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.



request] for confidentiality remain unchanged.”<sup>1</sup> CleanPowerSF requests that these categories be deemed confidential for the same reasons as presented in the 2021 IEPR, and that same or substantially similar data be considered and granted as a Repeated Application for Confidentiality.<sup>2</sup> In addition, CleanPowerSF requests that the designated confidential information presented in Form S-2A also be considered confidential as part of the Repeated Application because it is information from Form S-2 presented in a more granular, monthly breakdown of that information.

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

The confidential information in Form S-2 includes the “Total Renewable Contract Supply” and the contract supply and energy information from individual contracts, the nameplate capacity for the Blythe project, 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 P-Y; Columns AC-AE

Line 6h, Columns AC-AE

Line 6i, Columns AC-AE

Line 6j Columns N-Y; Columns AC-AE

Line 6k Column G; Columns N-Y; Columns AC-AE

Line 6l Columns O-Y; Columns AC-AE

Line 6m Columns O-Y; Columns AC-AE

Line 6n Columns P-Y; Columns AD-AE

Line 6o Columns Q-Y; Columns AD-AE

Line 6q Columns O-Y; Columns AC-AE

Line 6dw Column AC

Line 6dx Columns AD-AE

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<sup>1</sup> 20 Cal. Code Reg. § 2505(a)(4). Note, the Repeated Application does not apply to the Blythe Storage capacity in Form S-2 which was not part of 2021 request.

<sup>2</sup> *Id.*

Line 6dy Columns AC-AD  
Line 6dz Column AC  
Line 7a Columns Q-Y; Columns AC-AE  
Line 7c Column AC  
Line 7e Columns AC-AD  
Line 7cm Columns AC-AD  
Line 7dq Column P  
Line 7dr Columns P-W  
Line 7ds Column P  
Line 7dt Column Q  
Line 7du Columns R-W  
Line 7dy Column AC  
Line 7ea Columns AD-AE  
Lines 7eb-7ef Column P  
Lines 7eh-7ep Column AC  
Lines 7eq-7er Columns AC-AD  
Line 7es Column AD  
Line 7et Columns AC-AD  
Line 7eu Column AC  
Lines 7ev-ew Columns AC-AD  
Line 7ex Columns AD-AE  
Lines 7ey-7ez Column AC  
Line 7fa Column AD  
Line 7fb Columns AC-AD  
Line 7fc Column AD  
Line 7fd-7fe Columns AD-AE  
Line 7ff Columns AC-AD  
Line 7fg Column Q  
Lines 7fj-7fk Column AC  
Line 9 Columns P-Y AC-AE  
Line 10 Columns P-Y AC-AE  
Line 11 Columns P-Y AC-AE

The confidential information in Form S-2A includes the “Contract GWh” and the “NQC MW” on a monthly basis. The confidential information is in the following cells:

The confidential information in Form S-2A by Row/Column:

Rows 10, 12, 14, 20, 22 Columns F-AO  
Rows 11, 13, 15, 19, 21, 23 Columns F-DU  
Row 16 Columns AC-AO  
Row 17 Columns AD-DU  
Row 18 Columns AB-AO

Row 19 Columns AC-DU  
Row 24 Columns P, AB, AN  
Row 26 Columns J-AC  
Row 29 Column F-CW  
Rows 31, 33 Columns R-AC

The confidential information in Form S-5 is Lines 6k Column I.

## **II. Time Period for Confidential Treatment**

CleanPowerSF requests confidential treatment for a three (3) year forecast period until December 31, 2025 or its Resource Adequacy related information unless otherwise noted and for RPS related information for the current year and a two (2) year forecast period. 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 2022-2031 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 two-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.”<sup>3</sup> 2) The Public Records Act and the California Public Utilities Commission (“CPUC”) confidentiality decisions allow the Commission to keep the information confidential.<sup>4</sup> 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, S-2, S-2A, 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

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<sup>3</sup> 20 Cal Code Regs. § 2505(a)(1)(D).

<sup>4</sup> See *Id.*

also be used by market participants to refine business strategies and cause competitive harm.

Third, CleanPowerSF also seeks confidentiality related to the Blythe project storage capacity information. The following cells relate to the Blythe Energy Storage contract: S-2 Row 6k, Columns G and P – Y; S-2A Row 15, and S-5 Row 6k, Column I.<sup>5</sup> The disclosure of the capacity of this storage contract amendment would provide insight into valuable market-sensitive price information because as part of the City approval process, CleanPowerSF was required to disclose the total cost of the energy storage project amendment. Consequently, CleanPowerSF maintained the confidentiality of the capacity because if the capacity was disclosed, any interested person could calculate the price (\$/kw-month) of the storage contract. Although capacity is typically considered public, it should not be here. Consistent with CPUC D.06-06-066, D.08-04-023, and D.20-07-005, this capacity information should be protected as confidential, market-sensitive price information because maintaining the confidentiality of the capacity protects the price of the project.<sup>6</sup>

In addition, release of this highly valuable, market-sensitive information could damage the ability of CleanPowerSF to negotiate and procure future RA capacity on terms reasonable for its ratepayers. The contract price also constitutes CleanPowerSF's counterparty's trade secret information because the information has economic value from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.<sup>7</sup>

The public interest served by disclosing the information marked as confidential is clearly outweighed by the public interest in withholding such information from disclosure, given the sensitivity of the information and the potential harm that would be caused by its disclosure.<sup>8</sup>

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<sup>5</sup> CleanPowerSF has filed motions before the CPUC for leave to file this information under seal. See R.20-05-003, *Motion for Leave to File Under Seal Confidential Information in CleanPowerSF February 1, 2022, Procurement Compliance Filing and Response to the February 1, 2022, IRP Data Request* (Jan 31, 2022), pp. 4-5; R. 18-07-003, *Motion of CleanPowerSF for Leave to File Under Seal Confidential Information in Exhibits 1 - 3 of Motion of CleanPowerSF to Update Draft 2022 Renewables Portfolio Standard Procurement Plan and Appendices A, G, and O* (Aug. 15, 2022), pp. 8-9. Both motions are still pending.

<sup>6</sup> See D.21-11-029, Attachment 2, Appendix 2, CCA and ESP Matrix § II.B (Supply data (both year ahead and month ahead)).

<sup>7</sup> See General Order 66-D, specifically Government Code section 6254(k) and Evidence Code section 1060 (regarding "trade secrets").

<sup>8</sup> Government Code section 6255(a) (regarding the public interest exemption under the California Public Records Act)

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.<sup>9</sup>

#### **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

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<sup>9</sup> See CPUC Decision (D.) 06-06-066, 08-04-023, D.20-07-005 pp. 3-5 (CPUC makes ESP Matrix applicable to CCAs), D.21-11-029, Attachment 2, Appendix 2 (CCA and ESP Matrix), 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).