

DOCKETED

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Project Title:	Electricity Forecast
TN #:	247138
Document Title:	CEC's Response Letter to Sonoma Clean Power Authority's Application for Confidentiality - 9-9-22
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October 31, 2022

Via Email

Deb Emerson
Managing Director
Sonoma Clean Power Authority
431 E Street
Santa Rosa, California 95404
info@sonomacleanpower.org

**Application for Confidential Designation for Data in Integrated Energy
Policy Report
Docket No.: 22-IEPR-03**

Dear Deb Emerson:

The California Energy Commission (CEC) has received Sonoma Clean Power Authority's (applicant) Application for Confidentiality docketed September 9, 2022 (TN 245926), covering the following data:

Form S-1 (Capacity/Energy Requirement Form) Highlighted content in Columns J-R, Excel spreadsheet rows 11, 19, 21, 22, and 25

The applicant states that the data constitutes commercially sensitive trade secrets and should be designated confidential for three years from the dates listed in Form S-1, row 9, columns J-R, respectively. The application cites Government Code sections 6254, subdivision (k) and 6255, and Evidence Code section 1060, as the basis for confidentiality. Applicant states that data can be disclosed if sufficiently aggregated with other similar data.

Government Code section 6254 subdivision (k), allows for non-disclosure of a public record where disclosure of the record is exempted or prohibited pursuant to federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege. Under Evidence Code section 1060, the owner of a trade secret may exercise an evidentiary privilege to refuse to disclose the trade secret.

Government Code section 6255 allows an agency to justify withholding any record by demonstrating that the record in question is exempt under express

provisions of the Public Records Act (Gov. Code, §§ 6250 through 6276.50) or that on the facts of the case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Under California Code of Regulations, title 20, section 2505 subdivision (b) the CEC shall designate the requested information confidential when the applicant seeks confidentiality as a federal, state, regional, or local agency or state-created private entity, which possesses information pertinent to the responsibilities of the CEC, that has been designated by applicant as confidential under the Public Records Act, or the Freedom of Information Act.

Here, applicant Sonoma Clean Power Authority is a local agency that has itself designated the data confidential under the Public Records Act.

Therefore, the CEC designates the above-described information as confidential for the requested term of three years from the dates listed in the document. Data may be disclosed if aggregated with data from other load serving entities.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have any questions, please contact Tanner Kelsey, staff counsel at tanner.kelsey@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director