

DOCKETED

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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue Electric
Integrated Resource Planning and Related Procurement
Processes.

Rulemaking 20-05-003
Filed May 7, 2020

**MOTION OF COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE
CONFIDENTIAL MATERIAL(S) CONTAINED IN ITS 2022 INTEGRATED
RESOURCE PLAN UNDER SEAL; AND PROPOSED ORDER**

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Dated: November 1, 2022

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Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04-023, Commercial Energy of Montana, Inc. dba Commercial Energy of California (“Commercial Energy”) hereby files this Motion for Leave to File Confidential Materials Contained in its 2022 Integrated Resource Plan (“IRP”) Under Seal (“Motion”). This Motion is being served and filed concurrently with Commercial Energy’s confidential version of the IRP. The public version of the plan was filed on November 1, 2022.

In D.06-06-006, the Commission adopted rules regarding the confidentiality of electric procurement data required to be submitted to the Commission by Electric Service Providers (“ESPs”). Specifically, the ESP Matrix specifies the confidential treatment to be afforded to certain categories of data. As set forth below, Commercial Energy’s IRP contains market sensitive information that should be protected from public disclosure. The information provided below uses the format specified in the “Matrix of Allowed Confidential Treatment Energy Service Provider Data” under the provisions of D. 06-06-066, as modified in D. 08-04-023 and D.21-11-029.

To the extent information provided matches a Matrix category it is entitled to the protections the Matrix provides for that category of information. In addition, the Commission has established that information that does not fall within a matrix category must be protected where it “consists of information from which that information may be easily derived.” In order to claim the protection afforded by the relevant Matrix, the party seeking confidential treatment must establish:

1. That the material it is submitting constitutes a particular type of data listed in the Matrix;
2. To which category or categories in the Matrix the data corresponds;
3. That it is complying with the limitations on confidentiality specified in the Matrix for that type of data;
4. That the information is not already publicly available; and
5. That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Portions of the information contained in Commercial Energy’s IRP and the Attachments thereto, as specified in the table below, are eligible for confidential treatment under the provisions of D.06-06-066 and the "Matrix of Allowed Confidential Treatment Energy Service Provider Data" adopted in that decision, and as modified in D.08-04-023 and D.21-11-029, Appendix B. Accordingly, Commercial Energy hereby affirms that the following data is confidential and that the Commission should afford it confidential treatment in order to prevent the material harm that loss of confidentiality may cause to Commercial Energy and its customers.

Data Description	Spreadsheet/ Location	Matrix Category	Explanation
GHG benchmarks	Commercial Energy Standard LSE Plan, Sections III.b.-c., GHG Calculator, Local Pollutants Results	I.B., II.A.	This information should remain confidential because public disclosure will adversely affect Commercial Energy’s ability to guide its operations and inform its strategic decisions, and can be used in conjunction with other publicly available information to calculate Commercial Energy’s net short, demand and energy requirements.
Forecast Retail Sales (GWh)	GHG Calculator, CSP 30MMT, CSP 25MMT	I.B., III.C.	Commercial Energy’s forecast retail sales for the IRP planning period are based on Commercial Energy’s 2023 retail sales forecast. Commercial Energy’s “net short” position for that period can be calculated based on its 2023 retail sales forecast and reported RPS-eligible procurement Commercial Energy’s 2023 forecast demand/energy requirements and net short can be calculated based on the forecast of 2023 retail sales and public information.
Forecast Peak Load (MW) and related calculations	CSP 30MMT, CSP 25MMT, Resource Data Template	II.A., III.B., III.D.	Commercial Energy’s 2023 Resource Adequacy requirements can be calculated based on Commercial Energy’s 2023 peak load forecast and public information. Commercial Energy’s forecast peak loads for the planning period are based on Commercial Energy’s 2023 peak load forecast.
Demand Inputs	Commercial Energy Standard LSE Plan, Section III.d., CSP 30MMT, CSP 25MMT	II.A., III.C., III.E.	Commercial Energy’s forecast energy requirements can be calculated using “Demand Inputs” data and formulas embedded in the GHG Calculator.
Supply Inputs	Commercial Energy Standard LSE Plan, Section II.a., CSP 30MMT, CSP 25MMT, Resource Data Template	II.A., II.B.	Supply Inputs data reflects actual and planned RPS procurement and RPS requirements for each year of the IRP planning period. Actual and forecast energy supplies reflect Commercial Energy’s forecast requirements and procurement needs.

Data Description	Spreadsheet/ Location	Matrix Category	Explanation
GHG Calculator Results	CSP 30MMT, CSP 25MMT	I.B., II.A., II.B., III. C., III.E.	<p>Commercial Energy’s forecast retail sales for each year of the IRP planning period and Commercial Energy’s net short position for the planning period can be calculated using data outputs and formulas embedded in the GHG Calculator.</p> <p>Commercial Energy’s 2023 forecast demand/energy requirements and 2023 RA requirements can be calculated based on data and formulas embedded in the GHG Calculator.</p>

Commercial Energy’s contract price, demand and supply inputs and forecasts, procurement strategies, and cost information is trade secret information that is broadly protected from public disclosure to protect an entity’s competitive position.¹ Commercial Energy consistently ensures that such information is not released to the public. Public disclosure of an ESP’s price, demand and supply inputs and forecasts, procurement strategy, and/or cost information for RPS contracts would clearly disadvantage an ESP in the power markets and compromise its negotiating position with suppliers and customers. As ESPs are mandated to engage in RPS procurement by statute, the Commission must permit an ESP to submit its RPS price and cost information only on a confidential basis.

Commercial Energy further affirms that the data for which Commercial Energy is claiming confidentiality is not already public. The confidentiality of the data for which Commercial Energy is claiming confidentiality would not be compromised if it were first aggregated with the equivalent data of all other load serving entities before being made

¹ See CPUC General Order 66-D, Section 3.2(d); California Government Code section 6254(k) exempts from disclosure under the Public Records Act information which meets the definition of trade secrets under Evidence Code Section 1060. Trade secrets are defined by reference to Civil Code Section 3426.1.

public. Other than by the aforesaid process, the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

Commercial Energy therefore requests, in accordance with the confidential treatment afforded in D.06-06-066, as modified by D.08-04-023 and D.21-11-029, Appendix B, the ESP Matrix, that the Commission grant confidential treatment to the data specified in the table above. As required, a Proposed Order is attached to this motion.

Respectfully submitted November 1, 2022 at San Francisco, California.

COMMERCIAL ENERGY OF
CALIFORNIA

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By



Michael B. Day

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Rulemaking 20-05-003
Filed May 7, 2020

**PROPOSED ORDER GRANTING LEAVE TO FILE CONFIDENTIAL
MATERIAL UNDER SEAL**

Pursuant to Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure, and in accordance with D.06-06-006 and D.08-04023, Commercial Energy of Montana, Inc. dba Commercial Energy of California (“Commercial Energy”), a registered electric service provider (“ESP”) filed a Motion on November 1, 2022 for leave to file confidential information contained in its 2022 Integrated Resource Plan (“IRP”) under seal. Having reviewed the material for which confidential treatment is requested, and good cause appearing, this ruling grants the Motion.

Accordingly, it is ordered that:

1. The information specifically identified as confidential within the confidential version of Commercial Energy’s IRP, as further described in the MOTION OF COMMERCIAL ENERGY OF CALIFORNIA FOR LEAVE TO FILE CONFIDENTIAL MATERIAL CONTAINED IN ITS 2022 INTEGRATED RESOURCE PLAN UNDER SEAL, filed November 1, 2022, shall remain sealed and is not to be disclosed to anyone other than Commission staff, the Assigned Commissioner, the assigned Administrative Law Judge (“ALJ”) or an

ALJ designated to rule on this Motion;

2. Further proceedings, if any, held with respect to matters contained in the confidential data shall be conducted in a manner the assigned ALJ deems reasonably necessary to protect the confidentiality of the data described herein;
3. All additional documentary evidence in this proceeding that addresses or relates to the confidential data must be treated in the confidential manner described in paragraphs 1 and 2 above.

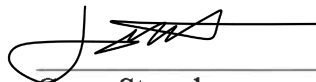
Administrative Law Judge

Dated: _____

VERIFICATION

I am an officer of Commercial Energy of Montana, Inc, dba Commercial Energy of California and am authorized to make this verification of its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct, and that this verification is executed on this first day of November 2022 at Oakland, California.



Curry Stypula
President
Commercial Energy of Montana, Inc. dba
Commercial Energy of California