

DOCKETED

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November 30, 2022

Via email

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

Dear Andrew B. Brown:

The California Energy Commission (CEC) has received Constellation NewEnergy Inc.'s (applicant) Application (TN No. 245948) for Confidentiality docketed September 9, 2022, covering the following data:

Form S-1 – Capacity/Energy Requirement Form

- Capacity Procurement Requirement (MW), Peak Load Calculations for years 2020-2025*¹, line numbers 1-2e, 4-8, 11;
- Energy Procurement Requirement (GWh), Energy Demand Calculations for years 2020-2025*, line numbers 12-13e, 16, 18;
- Historic LSE Peak Load for 2020-2021*, line numbers 19, 25.

Form S-2 – Capacity/Energy Supply Resources Form

Capacity Supply Resources (MW):

- Total Other Bilateral Contract Supply for years 2020-2025*, line number 7a;
- Other Bilateral Resource Adequacy Aggregate for years 2020-2025*, line number 7c;

¹ For Periods 2020-2021 and 2020-2025 as indicated in their application, applicant states that "As noted above, CNE was previously granted its request for a one-year back and three-years forward confidentiality period in the last IEPR cycle. As such, 2020 information continues to be confidential through December 31, 2022, and is accordingly included here. CNE is also patterning this confidentiality request to be consistent with confidentiality granted by other agencies, including the California Public Utilities Commission, in an effort to harmonize confidentiality of reported information."

Capacity/Energy Balance Summary (for both Capacity and Energy Supply Resources):

- Total: Existing and Planned Supply for years 2020-2025*, line number 9;
- Firm LSE Procurement Requirement for years 2020-2025*, line number 10;
- Net Surplus (or Need) for years 2020-2025*, line number 11.

Form S-5 - Bilateral Contracts Table

- Other Bilateral Resource Adequacy Aggregate, Capacity (MW) Under Contract, line number 7c (cell K35 only).

The applicant states that such data should be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application and that the data should be confidential for three years, consistent with the length of time previously granted.

California Code of Regulations, title 20, section 2505(a)(4) provides: Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC pursuant to section 2508, or for which an application for confidential designation was granted by the executive director pursuant to 2505(a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has attested under penalty of perjury that the information contained in this application is substantially similar to information previously deemed confidential by the CEC under section 2505(a)(3)(A).

Therefore, the CEC designates the above-described information as confidential for the requested term of three years, consistent with the length of time previously granted. 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

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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,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal flourish extending to the right.

Drew Bohan
Executive Director