

DOCKETED

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Project Title:	Electricity Forecast
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Document Title:	CEC's Response Letter to Direct Energy LLC re Oct 21, 2022 Application for Confidentiality
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January 13, 2023

Via Email

Barbara S Farmer
Direct Energy LLC
910 Louisiana Street, Suite B200
Houston, Texas 77002
barbara.farmer@nrg.com

**Application for Confidential Designation for Narrative Response of
Direct Energy Business LLC
Docket No. 22-IEPR-03**

Dear Barbara Farmer:

The California Energy Commission (CEC) has received Direct Energy LLC's (applicant) Application for Confidentiality docketed October 21, 2022 (TN 246716), covering the following:

Direct Energy Business LLC's Narrative response to 22-IEPR-03 Electricity Forecast Response, Bulk Electric System, and its latest transmission expansion plan ... Question 5: Identify Power Purchase Agreements, contracts, and resources that require transmission in order to serve California loads.

The applicant states that the response to Question 5 contains specific information related to projects under contract that have not achieved commercial operation and require transmission upgrades before being placed online. The applicant requests that all information contained in this 22-IEPR-03 narrative response be designated as confidential for three calendar years, to December 31, 2025.

The applicant cited section 2505(a)(4) of the CEC's regulations as the basis for confidentiality. This section states that data sets may be deemed confidential if they are substantially similar to data previously designated confidential. The applicant says that this data is substantially similar to data previously deemed confidential as a trade secret on March 1, 2007.

The information included the applicant's historical and forecast annual electricity sales (MWh), peak demand (MW), customer counts, and average annual growth rate (%).

Barbara Farmer
January 13, 2023
Page 2

After reviewing the response to Question 5, the response does not contain any information referenced in the 2007 application, such as annual electricity sales, peak demand, customer counts, or growth rates.

Additionally, the information in the applicant's response appears to be public information and may be easily found in environmental documents posted by Fresno County regarding RWE Solar's Fifth Standard Solar Project. Further, the information submitted in the applicant's response is available on public reports covering the interconnection of energy storage projects and queue positions issued by the California Independent System Operator.

Since the information contained in response to Question 5 is not substantially similar to previously submitted information, which was granted confidentiality, the request for confidentiality under California Code of Regulations, title 20, section 2505(a)(4), is denied.

Executive Director's Determination

Confidentiality is denied for the information contained in response to Question 5.

You may request that the CEC determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in the California Code of Regulations, title 20, section 2508.

If you have procedural questions about this application for confidential designation, please email Tanner Kelsey, attorney, at tanner.kelsey@energy.ca.gov

Sincerely,



Drew Bohan
Executive Director