

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

March 19, 2009

Mr. Reid Winthrop  
PilotPower Group, Inc.  
8910 University Center Lane, Suite 520  
San Diego, CA 92122

<b>DOCKET</b> 09-IEP-1C
DATE <u>MAR 19 2009</u>
RECD. <u>MAR 19 2009</u>

RE: **Application for Confidentiality, PilotPower Group, Inc.  
IEPR Electricity Demand Forecast Submission  
Docket No. 09-IEP-1C**

Dear Mr. Winthrop:

On February 17, 2009, the California Energy Commission received an application for confidentiality filed by the PilotPower Group, Inc. in the above-captioned Docket. The application seeks confidentiality for information contained on the Electricity Retail Demand Forecast Form 7-ESP Report of Loads and Forecasts and Form 8.1(a) (ESP). Specifically, PilotPower seeks confidentiality for:

Form 7:

- ii. Retail Sales, Peak Demand and Customer Counts for PGE, SCE, and SDGE service territories for the calendar year 2006; and
- ii. Retail Sales, Peak Demand and Customer Counts for PGE, SCE, and SDGE service territories for the calendar year 2007 through 2018.

Form 8.1(a) (ESP) Estimated Power-Supply Costs

- i. Historical and future costs for all supply contracts.

PilotPower asserts that this information should be designated confidential because:

(1) the information is not otherwise publicly available or readily discoverable in the form or detail provided, (2) the information is market sensitive and constitutes trade secrets in terms of supply portfolio development and risk management, and (3) the release of this information will result in loss of competitive advantage in the wholesale and retail marketplaces relative to Applicant's ability to negotiate future contracts for the purchase or resale of energy and/or capacity at wholesale, or negotiation of contracts with retail customers, . . .

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PilotPower is requesting that the identified confidential information for the year 2006 be kept confidential for one year from production and the data for 2007 through 2018 be held in confidence for a period of three years from the time of production to the Commission.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."


PilotPower's confidentiality application makes a reasonable claim to grant confidentiality for the data identified above. The information contained on Form 7 and Form 8.1(a) (ESP) constitutes a trade secret, and would place PilotPower at a competitive disadvantage if disclosed. The Energy Commission will aggregate the information submitted by PilotPower to prevent disclosure of information that would cause harm. The data will be aggregated as follows:

1. For individual ESPs, data aggregated at the statewide level by major customer sector.
2. For the sum of all ESPs, data aggregated at the service area, planning area, or statewide levels by major customer sector.

The identified confidential information for the year 2006 will be kept confidential until February 13, 2010. The information for the years 2007-2018 will be kept confidential until February 13, 2013.

Persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. Be advised that an appeal of this decision must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,



MELISSA JONES  
Executive Director

cc: Docket Unit