

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

March 19, 2009

Mr. Carl Boyd
Manager of Regulatory Compliance and Licensing
Direct Energy
Two Gateway Center
Pittsburgh, PA 15222-1458

DOCKET 09-IEP-1C	
DATE	MAR 19 2009
RECD.	MAR 19 2009

RE: **Application for Confidentiality, Direct Energy Business, LLC
IEPR Electricity Demand Forecast Submission
Docket No. 09-IEP-1C**

Dear Mr. Boyd:

On February 17, 2009, Direct Energy Business, LLC, filed an application for confidentiality in the above-captioned Docket. The application seeks confidentiality for information contained on the Electricity Retail Demand Forecast Form 7 and Form 8.1(a) (ESP).

Direct Energy asserts that information in Form 7 and Form 8.1(a) (ESP) should be designated confidential because the information is "substantially similar to information that was previously deemed confidential by the Commission" and previously requested the information be designated confidential on the grounds that is trade secret information.

Direct Energy requests that the above information in Form 7 be granted confidentiality for three years. Direct Energy also requests that the information for the year 2008 in Form 8.1(a) (ESP) be designated confidential for one year, and the information in Form 8.1(a) (ESP) for the years 2009-2013 be granted confidentiality for three years.

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."

Direct Energy'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 Direct Energy at a competitive disadvantage if disclosed. The Energy Commission will aggregate the information submitted by Direct Energy 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.

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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 contained on Form 7 will be kept confidential until December 31, 2012, the identified information for the year 2008 contained in Form 8.1(a) (ESP) will be held confidential until December 31, 2010, and the information in Form 8.1(a)(ESP) for the years 2009-2013 will be held confidential until December 31, 2012.

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,

A handwritten signature in black ink, appearing to read 'Melissa Jones', written in a cursive style.

MELISSA JONES
Executive Director

cc: Docket Unit