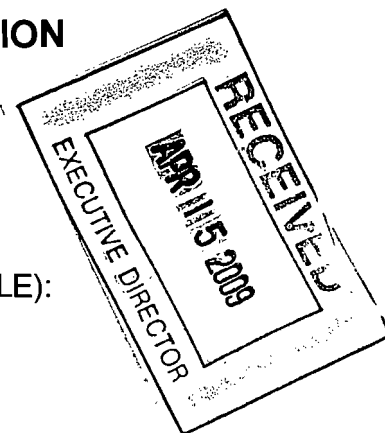


COMPLETED

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)



TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):

APPLICANT: California Home Energy Efficiency Rating Services

ADDRESS: 20422 Beach Blvd., Suite 235, Huntington Beach, CA 92648

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

California Home Energy Efficiency Rating Services requests confidentiality designation for specific elements of the CHEERS® HERS Rater Training Curriculum for the 2008 California Building Energy Efficiency Standards. This information is part of CHEERS HER Provider Application. The specific items CHEERS seeks the designation for are:

1. Lesson Plans
2. Competency Lists
3. Test Questions

These items have been submitted in both printed and digital form separately and have been marked accordingly. There are 58 pages in the printed information and 58 pages in the digital submission.

- 1(b). Specify the part(s) of the information or data for which for which you request confidential designation.

All the information in printed and digital form that has been marked 'Confidential'.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

The information provided should be kept confidential as long as it is pertinent to CHEERS' providing current training as an approved HERS Provider under the Title 20 and Title 24 regulations.

Lesson Plans and Competency Lists - Disclosure of this information would expose CHEERS' practices that are deemed competitive assets.

Test Questions - Disclosure of this information would compromise the integrity of the training program through exposure of the testing material.

DOCKET	
09-HERS-1	
DATE	_____
RECD.	APR 15 2009

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

California Public Records Act – 6254

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code.

(k) Records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

California Evidence Code – 1060

If he or his agent or employee claims the privilege, the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

With regards to the information that CHEERS considers “competitive assets”: this information has been developed over 10 years and is part of a unique approach to training this is synonymous with CHEERS reputation and name recognition. The information can be legitimately developed independently with the proper skills and knowledge in the subjects of this information.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

There is already related information that has also been submitted or is readily available. This information does not lend itself to aggregation beyond the results of its use in practice.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

This information is internal to CHEERS, its employees and contractors. It has been disclosed to CEC for this same purpose previously.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: April 8, 2009

A handwritten signature in black ink that reads "Robert A. Scott". The signature is stylized, with the first name "Robert" written in a cursive-like script, and the last name "Scott" written in a more blocky, capital-letter style. There is a large, circular flourish at the end of the signature.

Signed:

Name (print or type): Robert A. Scott

Title: (print or type): Executive Director

Representing: California Home Energy Efficiency Rating Services

Revised 11/15/06