

# PHILIPS



DOCKET
09-AAER-2
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Philips Electronics  
North America

Government & Industry Affairs

1050 K Street N.W.  
Suite 900  
Washington, D.C. 20001

April 27, 2011

Melissa Jones, Executive Director  
California Energy Commission  
1516 Ninth Street, MS 39  
Sacramento, CA 95814

COMPLETED

**RE: Application for Designation of Confidential Records on Appliance  
Efficiency Standards for Battery Charger Efficiency of Emergency Lighting –  
Docket Number 09-AAER-2**

Dear Ms. Jones:

Philips Electronics is submitting the attached confidential data to the California Energy Commission pursuant to 20 CA ADC Section 2505 for its consideration in docket number 09-AAER-2 regarding the regulation of the energy efficiency of battery chargers including those used in emergency lighting.

We understand that in the event that the CEC determines that the attached information is not confidential that the CEC will return the information to Philips without any disclosure to the public.

Further questions regarding this submittal should be directed to me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ric Erdheim".

Ric Erdheim

Attachment: Application for Confidential Designation  
Confidential Data: *Chloride Systems Investigation on Battery Charging  
Efficiency Study*

Tel: (202) 962-8550  
Fax: (202) 962-8560

## APPLICATION FOR CONFIDENTIAL DESIGNATION

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

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO.: **Battery Charger Efficiency of Emergency Lighting – Docket Number 09-AAER-2**

APPLICANT: Philips Electronics North America Corporation, a Delaware corporation ("Philips") makes the following Request for Designation of Confidential Records, with reference to the applicable subsections of 20 CCR Section 2505 (a) (1).

Contact ADDRESS: Philips Electronics, Suite 900, 1050 K Street NW. Washington, DC 20001

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.** The document is *Chloride Systems Investigation on Battery Charging Efficiency Study* (the "Philips Document") and is undated. The seven page document contains information about Philips proprietary technology and cost data associated with possible changes in emergency lighting battery efficiency.

1(b). Specify the part(s) of the information or data for which for which you request confidential designation. Philips requests that the CEC maintain the entire document titled, as confidential.

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

Philips requests that the CEC maintain for ten (10) years the confidentiality of information contained in the Philips Document relating to the technology Philips uses in its emergency lighting products. This information represents innovative trade secret technology that was developed by Philips at great expense, that the company will use for the foreseeable future, and that is not otherwise available in the marketplace. Disclosure of this information to our competitors would harm Philips' competitive position. Philips requests that the CEC maintain for three (3) years the confidentiality of information in the Philips Document regarding the cost of battery efficiency improvements because this data identifies confidential cost data that would harm Philips if our competitors were to gain knowledge of company cost information.

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. The California Public Records Act, Cal. Gov't Code §6254.7(d), specifically states that trade secrets are not public records and, therefore, are exempt from disclosure. "Trade secrets," as defined therein, include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having a commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

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.

The Philips technology described in the Philips Document is valuable, confidential, trade secret technology that Philips will use to produce our products for the foreseeable future and that is not otherwise available in the marketplace. Disclosure of this information to our competitors would provide our competitors with information about the technology in our products that they could use in their own products to the disadvantage of Philips. The disclosure of cost information would harm Philips because the data identifies cost information that would provide our competitors with insights into our cost structure and use that information in the pricing of products to the disadvantage of Philips. Disclosure of this data also would make it less likely in the future that Philips Electronics would be will to willing to share such data with the CEC.

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.

The information regarding Philips technology cannot be disclosed even if aggregated since aggregation without disclosure of the technology would not be possible. The information regarding cost data may be disclosed if such information is aggregated with data from other parties so as to preclude the identification of our data


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.

Philips diligently protects its trade secret information and does not disclose proprietary technology or cost data to any third party unless such third party has executed and delivered to Philips an appropriate non disclosure agreement.

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 27, 2011

Signed:

Name (print or type): Ric Erdheim

Title: (print or type) Senior Counsel

Representing: Philips Electronics