

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET****11-IEP-1B**DATE May 25 2011RECD. May 26 2011

May 25, 2011

Mr. Greg Bass
Noble Americas Energy Solutions
401 West A Street, Suite 500
San Diego, CA 92101-3017

RE: **Application for Confidentiality, Noble Americas Energy Solutions
IEPR Electricity Resource Plan Submission
Docket No. 11-IEP-1B**

Dear Mr. Bass:

On May 2, 2011, the California Energy Commission (Energy Commission) received an application for confidentiality from Noble Americas Energy Solutions (Noble Solutions) dated April 29, 2011. This application and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2011 Integrated Energy Policy Report*.

Noble Solutions seeks to protect from public disclosure certain data and information on the following electricity supply forms or tables:

- Form S-1 Capacity Resource Accounting Table
- Form S-2 Energy Balance Accounting Table
- Table S-5 Bilateral Contracts and Power Purchase Agreements

In support of its request for confidentiality, Noble Solutions' Application states, in part:

The above mentioned forms submitted by Noble Solutions contain trade secrets or otherwise commercially sensitive data ... For example, the information could be used to determine Noble Solutions' historical and forecasted power and capacity needs. That information in turn could be used by Noble Solutions' competitors to refine their business strategies and cause competitive harm to Noble Solutions. It could also be used by suppliers, to Noble Solutions' disadvantage, when negotiating the price and terms of procurement transactions. Customers could use this information to extract better terms in contract negotiations with Noble Solutions. (Application at p. 2)

Noble Solutions has requested that all of the information and data set forth in the above mentioned forms be designated as confidential for a three-year period. Noble Solutions has clearly identified on these forms (Excel worksheets) specific information and data for which it is seeking confidentiality.

In early 2007 on the above-named forms submitted by Sempra Energy Solutions (predecessor to Noble Solutions), the same information and data for calendar years 2007-2011 were granted confidentiality through December 31, 2009. In early 2009 on the above-named forms, the same information and data for calendar years 2007-2013 were granted confidentiality through December 31, 2011. In early 2011 on the above-named forms, Noble Solutions is asking that the information and data for calendar years 2009-2020 be granted confidentiality for a three-year period.

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."

Noble Solutions' confidentiality application makes a reasonable claim to grant confidentiality for the above-described electricity supply forms and tables, except for the planning reserve margin that appears on form S-1 on line 26, which is public information. The adopted forms and instructions direct electric service providers, including Noble Solutions, to use a 15 percent planning reserve margin for all years in the forecast horizon (Commission Report CEC-200-2010-009 CMF, page 11).

All other peak demand calculations, annual capacity purchases, annual energy demand, and annual bilateral contracted generation as listed in Noble Solutions' Application are granted confidentiality based on trade secret. If disclosed, this information and data could place Noble Solutions at a competitive disadvantage. Consistent with previous grants of confidentiality, the identified confidential information contained on Noble Solutions' supply resource forms and tables will be kept confidential until December 31, 2013.

To prevent disclosure, confidential data that may be used in publicly available reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of Noble Solutions' load forecasts, resource portfolio, or individual supply contracts.

The Energy Commission appreciates the efforts by Noble Solutions staff to answer technical questions related to its resource plan filing.

Persons may petition to inspect or copy 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 and

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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', is written over the printed name.

MELISSA JONES
Executive Director

cc: Docket Unit