

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET****11-IEP-1B**DATE June 02 2011RECD. June 02 2011

June 2, 2011

Ms. Cindy L. Casselman
PilotPower Group, Inc.
8910 University Center Lane, Suite 520
San Diego, CA 92122

RE: **Application for Confidentiality, PilotPower Group, Inc.**
IEPR Electricity Resource Plan Submission
Docket No. 11-IEP-1B

Dear Ms. Casselman:

On May 6, 2011, the California Energy Commission (Energy Commission) received an application for confidentiality in the above-captioned Docket filed by the PilotPower Group, Inc. This application, dated April 29, 2011, and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2011 Integrated Energy Policy Report*.

PilotPower 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
- Form S-4 Wind Resource Nameplate Capacity
- Form S-5 Bilateral Contracts and Power Purchase Agreements

In support of its request for confidentiality, PilotPower's Application states, in part:

(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, . . . (Application at p. 2)

PilotPower has clearly identified on these forms (Excel worksheets) specific categories and specific time periods of data for which it is seeking confidentiality. These designations match what is requested in PilotPower's Application. Except for the Form S-4 on nameplate capacity of wind resources, which is new this year, the designations correspond to a previous application dated February 13, 2009. The designations on the

above-named forms also correspond to previous grants of confidentiality by the Executive Director dated March 19, 2009.

PilotPower has requested that "the identified data be held in confidence for a period of at least three (3) 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 in its application, with one exception. The information specifically listed in PilotPower's Application could place PilotPower at a competitive disadvantage if disclosed, and is granted confidentiality based on trade secret. The exception is the specified planning reserve margin, shown on line 26 on the S-1 form, which is public information. The adopted forms and instructions ask electric service providers (ESPs) and investor-owned utilities (IOUs) to use a 15 percent planning reserve margin for all years in the forecast period, similar to the 15 percent year-ahead planning reserve requirement in the resource adequacy program administered by the California Public Utilities Commission for ESPs and IOUs.

Consistent with previous grants of confidentiality, the identified confidential information contained on PilotPower's S-1, S-2, S-4, and S-5 supply resource forms 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 PilotPower's load forecasts, resource portfolio, or individual supply contracts.

The Energy Commission appreciates the efforts by PilotPower 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 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

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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', with a long horizontal flourish extending to the right.

MELISSA JONES
Executive Director

cc: Docket Unit