

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



May 22, 2013

California Energy Commission

DOCKETED**13-IEP-1B**

TN 70934

MAY 22 2013

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

RE: Noble Americas Energy Solutions, LLC's Application for Confidentiality for the
2013 Integrated Energy Policy Report Electricity Resource Plan Submission
Docket No. 13-IEP-1B

Dear Mr. Bass:

On April 26, 2013, the California Energy Commission (Energy Commission) received an application for confidentiality from Noble Americas Energy Solutions, LLC's (Noble Solutions) dated April 25, 2013. This application and a set of electricity resource plans were filed in the above-captioned Docket in connection with the *2013 Integrated Energy Policy Report*.

Noble Solutions requests specific information to be held confidential. Form S-1, the Capacity Resource Accounting Table, contains information about actual and forecasted capacity purchases for the years 2011-2017, including annual historical and forecasted peak loads for these years. Except that Noble Solutions is not requesting information on capacity renewable energy contracts to be held confidential.

Form S-2, the Energy Balance Accounting Table, contains information about actual and forecasted energy purchases for the years 2011-2017, including historical and forecasted annual energy demand by direct access customers served by Noble Solutions. Except that Noble Solutions is not requesting information on renewable energy purchases to be held confidential.

Table S-5, listing Bilateral Contract and Power Purchase Agreements, contains information on nine bilateral contracts including the Supplier/Seller, Starting and Expiration Dates, Contract Capacity, and Scheduling Coordinator. Noble Solutions is not requesting other information categories related to these contracts to be held confidential nor is Noble Solutions requesting information about renewable energy contracts be held confidential.

Noble Solutions asserts that this information be designated confidential because:

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.

Noble Solutions requests that the above information be granted confidentiality for three years. The data can be released immediately if aggregated with data submitted on electricity resource plans by all other energy service providers.

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 California 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 data identified above. The peak demand calculations, annual capacity purchases, annual energy demand, and annual bilateral contracted generation (other than renewable energy supplies) as described above are granted confidentiality based on trade secret. This information and data could place Noble Solutions at a competitive disadvantage if disclosed.

To prevent disclosure that would cause harm, 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 protect the confidential specifics of Noble Solutions' load forecasts, resource portfolio, or individual non-renewable supply contracts.

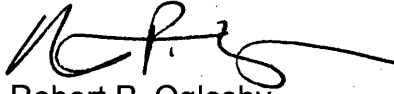
The identified confidential information contained on Form S-1, Form S-2, and Table S-5 will be kept confidential until December 31, 2016.

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 14 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.

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

Robert P. Oglesby
Executive Director

cc: Docket Unit
Sylvia Bender