

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



May 24, 2013

California Energy Commission

DOCKETED**13-IEP-1B**

TN 70962

MAY 24 2013

Mr. John S. Friderichs
Director, Pilot Power Group, Inc.
8910 University Center Lane, Suite 520
San Diego, CA 92122

RE: Pilot Power Group's Application for Confidentiality for the 2013 *Integrated Energy Policy Report* Electricity Resource Plan Submission
Docket No. 13-IEP-1B

Dear Mr. Friderichs:

On April 26, 2013, the California Energy Commission (Energy Commission) received an application for confidentiality from Pilot Power Group, Inc. (Pilot Power) 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*.

Pilot Power requests that 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.

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 Pilot Power.

Table S-5, listing Bilateral Contract and Power Purchase Agreements, contains information on 48 bilateral contracts including the Supplier/Seller, Starting and Expiration Dates, Contract Capacity, and Scheduling Coordinator.

These designations correspond to previous applications dated February 13, 2009, and April 29, 2011. The designations on the above-named forms also correspond to previous grants of confidentiality by the Executive Director dated February 13, 2009, and June 2, 2011.

Pilot Power requests that this information be designated confidential:

Because (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, Applicant asks 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.

Pilot Power states the Applicant-specific information can be released immediately if aggregated with similar information submitted on electricity resource plans by all other energy service providers and disclosed on a statewide aggregated basis.

A properly filed application for confidentiality shall be granted under 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."

Pilot Power's 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 as described above are granted confidentiality based on trade secret. This information and data could place Pilot Power 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 Pilot Power's load forecasts and portfolio of contractual supply resources.

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 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 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 blue ink, appearing to read 'R. P. Oglesby', with a stylized flourish at the end.

Robert P. Oglesby
Executive Director

cc: Docket Unit
Sylvia Bender