

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

June 28, 2013

California Energy Commission

DOCKETED
13-IEP-1C

TN # 71447

JUN 28 2012

Mr. Andrew B. Brown
Ellison, Schneider & Harris LLP
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905

RE: Constellation NewEnergy, Inc's Application for Confidentiality for the 2013 Integrated Energy Policy Report Electricity Demand Forecast Submission Docket No. 13-IEP-1C

Dear Mr. Brown:

On May 31, 2013, the California Energy Commission received from Constellation NewEnergy, Inc. (CNE) an application for confidentiality in the above-captioned Docket. The application seeks confidentiality for information contained in Form 8.1a; specifically, "all data, for annual, actual and/or estimated power-supply costs, for years 2012-2017...."

CNE requests that this information should 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 CNE'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, . . .

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."

CNE's confidentiality application makes a reasonable claim to grant confidentiality for the data identified above in its entirety. The information contained in Form 8.1a constitutes a trade secret and could place CNE at a competitive disadvantage if disclosed.

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The Energy Commission will aggregate the information submitted by CNE with the sum of all other Energy Service Providers at the service area, planning area, or statewide levels by major customer sector.

The power supply cost information for years 2012 to 2017 contained on Form 8.1a will be kept confidential until December 31, 2016.

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 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.

If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit
Sylvia Bender