

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

An application to keep a record confidential should be submitted directly to the **Docket Unit** in paper form or on electronic media, but not by email. Five (5) copies of the record for which confidentiality is sought must be submitted, on separate media if electronic, each marked with the title of the record and "confidential." (§ 1209.5, subd. (a)(4).) The application should be on a sheet separate from, but may be attached to, the record. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a).) (November 30, 2011, Standing Order.)

Applications and associated documents related to power plant licensing proceedings must be uploaded directly to Dockets through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on each siting project's Commission webpage.

TO: Energy Commission Docket UnitApplicant: Max McKinneyAddress: P.O. Box 2233 Orangevale, CA 95662
6343 Beech Ave Orangevale, CA 95662Phone and E-mail: 916-698-4185 max@eacsweb.comProceeding or Project Name: Application for CEC Provider Registry Approval

Docket Number: _____

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

Energy Analysis and Comfort Solutions, Inc., (EACS Inc.), Data Registry Application materials.
Dated 6/19/2014

EACS offers unique data collection processes utilizing an intuitive user friendly environment, which simplifies the training of construction industry personnel and collection of quality energy data. The EACS web based application will increase industry understanding of Building and Energy Codes. Website architecture allows Raters and Providers to efficiently train contractors, building departments, and real estate organizations to promote increased community awareness of the benefits of energy conservation and efficiency.

EACS Data Registry Application materials contain

- 20 paper pages: Application and Confidential Designation
- 1 CD, containing Exhibits, labeled "EACS Inc. Provider Registry Application – Confidential"
- Application and Confidential Designation with 2 files containing 20 pages of documents.
- Exhibit A: Registry Check List with 1files containing 7 pages of documents.
- Exhibit B: Document Registration Tests with 0 files containing 0 pages of documents.
- Exhibit C: EACS Tutorial v5.0 with 25 files containing 136 pages of documents.
- Exhibit D: CA13 Forms HVAC with 10 files containing 114 pages of documents.
- Exhibit E: EACS Training v5.0 with 16 files containing 68 pages of documents.
- Exhibit F: EACS QA program v5.0 with 2 files containing 14 pages of documents.
- Exhibit G: Sample Compliance Documents with 3 files containing 0 pages of documents.

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

The Data Registry Application for Energy Analysis and Comfort Solutions, Inc.

The entire EACS Data Registry Application, Client training and education programs, training materials, descriptions of website operations and features, Quality Assurance programs, Document Registration Tests, Sample Compliance Documents, and Data Registry Check List constitutes non-public and privileged information, and requests "confidential designation".

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

All Data shall remain confidential from date of application through Data Registry Decertification plus 10 years. Retention of confidential and privileged information should apply to participants equally, as mandated by the State for HERS Providers maintaining records for 10 years.

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material. (See next page.)

6254.15. Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California.

The EACS Data Registry Application, Client training and education programs, training materials, descriptions of website operations and features, Quality Assurance programs, shall be considered non-public, proprietary and privileged information.

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

Disclosing any part of the EACS Data Registry Application materials would be of no interest to anyone in the general public except other Data Registry competitors, or persons desiring to steal privileged insider information for monetary gain. Therefore, it is in the best interest of the public to declare the EACS Data Registry Application materials are proprietary, confidential and should be classified as "Non-Disclosure" to prevent any illegal activities.

Disclosing any part of the EACS Data Registry Application, training materials, descriptions of website operations and features, or Quality Assurance programs would cause a substantial loss of a competitive advantage. Currently the HERS industry is stagnate at best, and is in need of stimulation to motivate the industry to work together to reduce energy consumption. Disclosure of any EACS information would dramatically reduce the energizing impact of a Data Registry specifically designed to accommodate many different interested

parties, simplification of compliance reporting, and a defined process for Raters, Contractors and Providers to grow energy conservation businesses while increasing energy compliance.

Allowing public access to the EACS confidential information would provide competitors with privileged insider information and detailed plans to steal concepts and processes to build more user friendly Data Registry systems. This could reduce the EACS competitive edge by as much as 60%, or more! This business reduction could equal as much as \$750,000 per year in certificate fees and Rater or Contractor training fees. Plus disclosing the EACS structure for developing future expansion into new markets, which will drive the energy conservation industry to higher levels of compliance, could potentially result in a massive loss of revenue worth over \$10 million per code cycle!

Competing Providers will attempt EACS application access, illegally, to determine how the application operates and why the energy conservation industry prefers a system designed to meet specific needs of Raters, Contractors and building departments. Disclosing the EACS Data Registry information would give competitors detailed development objectives which no Provider has ever offered to clients. The EACS Data Registry information outlines processes which would allow competitors to fast-track new designs and features which takes years to conceive and develop. The EACS Data Registry information provides a roadmap for implementation of elevated client services which have never been offered by any Data Registry in over 10 years of Title 24 Regulations.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

Data Registry Application materials may not be disclosed in aggregate form. Information and reports generated by contractor and Rater use of the approved Data Registry are required to be made available to the CEC for disclosure in aggregate form. EACS processes and procedures are non-public and privileged information. Data extraction of information regarding the EACS Data Registry Application and materials for use in aggregated reports would yield little relevant information.

Data Registry Application materials may not be disclosed in aggregate form due to the easy identification of EACS from a very small group of potential Provider applications.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

No EACS Data Registry Application materials have been disclosed to any person who is not legally bound by a "Non-Disclosure Agreement", (NDA), between a "Consulting Individual" or "Software Developer" and EACS Inc.

I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: 6-19-2014

Revised 04/04/14

Signed: 

Name (print or type): Max McKinney

Title: (print or type) President

Representing: Energy Analysis and Comfort Solutions, Inc.

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.