



June 1, 2015

Mr. Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5504

California Energy Commission

DOCKETED

14-OIR-01

TN 75841

JUN 01 2015

California Energy Commission

DOCKETED

00-SB-1305

TN # 7622

JUN 01 2015

RE: Docket 14-OIR-1 - Application for Confidential Designation – Sonoma Clean Power's Power Source Disclosure Annual Report.

Dear Mr. Oglesby:

Sonoma Clean Power, ("SCP") by this Application for Confidential Designation respectfully requests protection of certain information provided to the Commission in the attached Annual Power Source Disclosure report consistent with Title 20 California Code of Regulations ("CCR") Sections 2501 *et seq.*

Please feel free to contact me at (707) 978-3469 should you or Staff have any questions or require additional information regarding this Application. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Emerson", written over a horizontal line.

Deb Emerson

Sonoma Clean Power

APPLICATION FOR CONFIDENTIAL DESIGNATION
Sonoma Clean Power
Power Source Disclosure Annual Report
June 1, 2015

1. *Specifically indicate those parts of the record which should be kept confidential.*

SCP requests that the following information remain confidential, as also indicated by the yellow pattern cells on the Excel worksheet:

Form	Information to be held confidential
PSDP Schedule 1	<ul style="list-style-type: none">• Narrative Sales Information in cells B20-G20• Generic Purchases data in cells P33, R33;• Total Net Purchases in cell Q35;• Total Retail Sales information in cell Q38.
PSDP Schedule 2	<ul style="list-style-type: none">• Total and Renewable Specific Purchases: Percent of Total Retail Sales in cells E14:E19, E21, E25;• Unspecified Power: Net Purchases, Pro-Rata Net Purchases based on Retail Sales and Percentage of Total Retail Sales in cells C27:E27;• Total Net Purchases and Pro-Rata Net Purchases based on Retail Sales in cells C29:D29• Total Retail Sales in cell C31.

Additionally, for ease of identification, SCP has highlighted in yellow all cells containing information it seeks to keep confidential.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

SCP requests that the identified information be kept confidential until December 31, 2015. This specific term is requested to align the protection of data provided to the CEC in this form with treatment provided in other contexts, most specifically by the CPUC under its confidentiality program.

This information should be kept confidential because: (1) the information is not otherwise publicly available or readily discoverable in the form or detail provided at this time; (2) the information is market sensitive and constitutes trade secrets in terms of disclosing SCP's very recent wholesale and retail activities, and (3) the release of this information will result in loss of competitive advantage in the wholesale and retail marketplaces relative to SCP'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.

SCP asks that the identified data be held in confidence until December 31, 2015. This requested period of time is appropriate as the data is expected to retain validity and market value over that period, and because any lesser period would undermine existing protection of the same or substantially similar data by other regulators or market entities, including the California Public Utilities Commission ("CPUC"), the California Air Resources Board and the California Independent System Operator ("CAISO"). SCP has also fashioned this request to reflect the scope of protection provided to energy service provider ("ESP") data in CPUC Rulemaking 05-06-040, and, in particular, Decision ("D.") 06-06-066, Appendix B ("ESP Matrix") and related modifications made in D.08-04-023, in an effort to have consistency across California energy agencies.¹ The public release of the specified information, particularly to competitors and potential customers, would result in a loss of competitive advantage for SCP in the wholesale and retail markets, and may result in a loss in the ability to secure a favorable margin or return or result in disclosure of information about internal operating practices.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

Under Public Resources Code Section 25322, the Commission is required to grant a request for confidential designation of information collected pursuant to Pub. Res. Code Section 25301(a) if:

- (a) the information is exempt from disclosure under the California Public Records Act (Govt. Code §§ 6250 et seq.);
- (b) the information meets the confidentiality requirements set forth in the Commission's regulations; or
- (c) on the facts of the particular case, the public interest served by not disclosing the information outweighs the public interest served by disclosure.

The Public Records Act exempts "trade secrets" from public disclosure, including "any formula, plan,...production data, or compilation of information..., which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service...and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Govt. Code § 6254.7(d).)

¹ While CNE understands and acknowledges that the confidentiality rules granted by the California Public Utilities Commission and the California Energy Commission are different in some respects, CNE seeks to maintain consistency in the data it makes publically available. Consistency also prevents CNE from inadvertent disclosures of confidential information.

The Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage." (20 CCR § 2505(a)(1)(D).)

The information identified above contains trade secrets or otherwise commercially sensitive data the disclosure of which would cause loss of a competitive advantage. As an entity operating in the competitive and dynamic retail energy markets, as well as a net purchaser in the competitive wholesale markets, SCP holds information on its retail and wholesale market positions in confidence. The materials identified above should be protected for the requested period because the information is commercially sensitive and not publicly available and/or constitutes trade secrets the public disclosure of which would harm SCP. Moreover, this information can be used to directly or indirectly determine SCP's market position to the detriment of SCP and its customers. Accordingly, SCP requests that all of the information described in section 1 above, and any related, supporting data that may be provided pursuant to a subsequent Staff request, be designated as confidential.

SCP believes that the public interest in having an open, public debate on key energy issues facing the state can be satisfied by disclosure of information submitted by SCP and the other ESPs collectively aggregated on a state-wide basis. Any greater granularity in the data released, including disclosure of any SCP-specific data that is not aggregated with other ESPs, could expose SCP's market position to its competitors, including other retail suppliers and the investor-owned utilities ("IOUs").

SCP requests that the identified information also be deemed confidential for the following additional reasons: The information is commercially sensitive and constitutes a trade secret and is therefore exempt from disclosure. (Evidence Code § 1060, Civil Code § 3426.1(d).) Moreover, the public interest in nondisclosure clearly outweighs the public interest in disclosure insofar as release of this economic information may directly harm SCP's existing and future commercial opportunities and its ability to secure a return in the marketplace, and disclosure may also harm SCP's electric customers by foreclosing favorable commercial opportunities. (Gov't Code § 6255.)

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

SCP has considered whether it would be possible to aggregate or mask the identified information. SCP can support the aggregation of SCP-specific information *with similar information from all other retail suppliers and solely disclosed on a statewide aggregated basis*. SCP believes that disclosure of SCP-specific data of the types collected here, even if aggregated on a statewide basis but specific to SCP, could lead to the disclosure of SCP's wholesale and retail market positions and thereby result in harm to SCP. Given

the degree of competition between retail suppliers, SCP asserts that any ESP-specific listing of data by utility territory would result in disclosure of confidential data.


5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

SCP has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working with the Company, or government agency employees or employees of the CAISO subject to confidentiality protection. SCP routinely keeps information of commercial value, like the subject information identified herein, confidential.

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

Dated: June 1, 2015

Geof Syphers



Sonoma Clean Power
www.SonomaCleanPower.org

Enclosure