

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. Two 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 Unit

Applicant: ConSol Home Energy Efficiency Rating Services, Inc. (CHEERS)

Address: 5757 Pacific Avenue, Suite 220, Stockton, CA

Phone and E-mail: 209-473-5000, jlenzmeier@cheers.org

Project Name: CHEERS' application for approval to become a HERS Provider for Residential Newly Constructed buildings, NSHP, and Alterations to existing buildings under the 2013 Building Energy Efficient Standards

Docket Number: 14-HERS-01

California Energy Commission

DOCKETED

14-HERS-01

TN # 76287

OCT 27 2015

- 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.**

CHEERS intends to submit an application for approval to become a HERS Provider for Residential Newly Constructed buildings, NSHP, and Alterations to existing buildings under the 2013 Building Energy Efficient Standards (Provider Application). This application will be submitted to the CEC within the next 30 days. CHEERS would like certain portions of that application to be held as Confidential.

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

Exhibit I (Customer Service Policies and Procedures)
Exhibit J (Testing/Training Protocols and Procedures)
Training Curriculum (PowerPoints, Videos, and Manuals)

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

3 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.)

The CA Public Records Act allows for non-disclosure of trade secrets. (Gov. Code sections 6254(k), 6276.44; see also Evid. Code, section 1060.)

CA Government Code Section 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."

CA Government Code Section 6254(g) "Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code."

- 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.

The portions of the CHEERS Provider Application for which we desire to be confidential should not be disclosed because they contain trade secrets, or their disclosure would otherwise cause loss of a competitive advantage.

The specific nature of the advantage:

The confidential information is of a technical nature which provides a business advantage over parties without access to the information. The CHEERS curriculum and test was developed for individuals interested in becoming certified as HERS Raters. As other entities can become HERS Rater certification providers; making this information public would impact CHEERS' competitive advantage.

How the advantage would be lost:

Time and resources have been spent compiling the information within the confidential records and the value of the information would be significantly impaired if made available to the public.

The value of the information to the applicant:

The confidential information is valuable to the project because of: (1) the time and resources expended to compile the information; (2) the efforts to maintain the confidentiality of the confidential records; and (3) the use of the information to facilitate ongoing business activities.

The ease or difficulty with which the information could be legitimately acquired or duplicated by others:

The confidential information is not readily available on the marketplace and can only be obtained with a significant investment of time and money. Thus, others could not easily acquire or duplicate this information.

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.

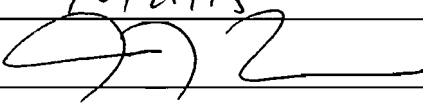
The information for which we desire to be held confidential cannot be disclosed even if it is aggregated with other information or masked to conceal certain portions. We believe that disclosure of these items in any manner would compromise the integrity of the information and reveal trade secrets whose value would be impaired.

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.

The Applicant has not disclosed the information to anyone other than certain authorized employees, consultants and others with a specific need for the information. The information with also be disclosed to certain employees of the CEC as part of the Provider Application explained above.

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: 10/21/15

Signed: 

Name (print or type): Jason Lenzmeier

Title: (print or type) Executive Director

Representing: ConSol Home Energy Efficiency Rating Services, Inc..