APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)
CEC-13 (Revised 04/2023)   CALIFORNIA ENERGY COMMISSION

Any person submitting a record to the CEC must specify if it should be designated a confidential record by providing an application for confidential designation. The application, which is not confidential, will be reviewed and acted upon by the executive director in consultation with the chief counsel. The CEC's process for reviewing and designating records as confidential can be found at California Code of Regulations, title 20, section 2505.

Filing Process

Applications for confidentiality, and the confidential documents, must be uploaded directly to the Docket Unit through the e-filing system. Individual documents cannot exceed 30 MB. Applications submitted directly to staff and not to the Docket Unit will not be acted on and the documents may be subject to disclosure. For filings not associated with any specific proceeding, the application and relevant records shall be filed into docket **22-MISC-01.** Links to the e-filing system are provided on most proceeding webpages labeled "**Submit e-filing.**" Alternatively, go directly to the e-filing log-in page: https://efiling.energy.ca.gov/Login.aspx?perms_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx

For additional information on e-filing see: CEC's E-filing and E-commenting System User's Training Guide, https://www.energy.ca.gov/sites/default/files/2020-03/Efiling_User_Training_Guide_Feb2020_ADA.pdf. Registration is necessary the first-time documents are uploaded. After registering, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files. **Failure to follow these steps may result in confidential material becoming public.** If you have questions regarding the filing process, contact the Docket Unit at docket@energy.ca.gov.

The following are some of the processes for requesting confidentiality of records:

A. Repeated Applications for Confidentiality (20 CCR 2505 (a)(4).)

    These are applications claiming that the CEC has previously found the data confidential. It is not necessary to include legal arguments. If you are filing your request on this basis submit a letter including, the date and transaction number of the CEC's original determination letter if known and a certification that the records at issue are substantially similar to the records previously designated as confidential, and that the facts and circumstances have not changed.

B. Automatic Confidentiality for certain categories of data (20 CCR 2505 (a)(5).)

C. Records provided by Public Agencies (20 CCR 2505(b).)

D. Standard Applications for Confidentiality (20 CCR 2505(a)(1).)

    These applications require the applicant to present a legal basis for a determination that the information submitted should be held as confidential and not subject to disclosure. A deficient or incomplete application may be subject to requests for clarification or be returned to the applicant with a statement of its defects.

For standard applications, provide a written letter (application for confidentiality) containing complete responses to the information requested below in the following order:

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1. Contact Information: (20 CCR 1208.1.)

    Applicant Name

    Phone Number

    E-mail

    Proceeding Name

    Docket Number

2. Title, date, and description (including number of pages) of the information or data for which you request confidential designation. (20 CCR 1208.1.)

3. Specify the part(s) of the information or data for which you request confidential designation. (If the data is in charts or spreadsheets, highlighting is sufficient.) (20 CCR 2505(a)(1)(B.))

4. State and justify the length of time the CEC should keep the information or data confidential. The term requested must be relevant to the stated basis for confidentiality. (20 CCR 2505(a)(1)(C.))

5. State the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explain why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 CCR (a)(1)(D.))

6. If the applicant believes that the information or data should not be disclosed because it contains trade secrets or its disclosure would otherwise cause a loss of a competitive advantage, the application also shall state: (20 CCR (a)(1)(D.))

    (a) the specific nature of that advantage,

    (b) how the advantage would be lost,

    (c) the value of the information to the applicant, and

    (d) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

7. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions. State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why. (20 CCR 2505(a)(1)(E.))

8. State how the information or data is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred. (20 CCR 2505(a)(1)(F.))

9. At the signature line, include a certification stating: "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." (20 CCR 2505(a)(1)(G.))

10. State whether the applicant is a company, firm, partnership, trust, corporation, or other business entity, or an organization, or association and state that the person preparing the request is authorized to make the application and certification on behalf of the entity, organization, or association. (20 CCR 2505(a)(1)(G.))