

CITY OF POMONA
Administrative Policy

SUBJECT:			EFFECTIVE DATE:
COST CONFIDENTIALITY			October 1, 2020
POLICY #:	SUPERSEDES	STAFF CONTACT	# OF PAGES:
PCE-05	N/A		5

1.0 Purpose

To protect the market sensitive information of Pomona Choice Energy, a Community Choice Aggregator.

2.0 Organizations affected

City of Pomona
All City of Pomona Departments
Pomona Choice Energy

3.0 References

California Public Records Act, Government Code §§ 6254, 6254.15 and 6255
California Public Utilities Code § 454.5
California Public Utilities Commission (CPUC) Decision (D.) 06-06-006, as modified

4.0 Definitions

4.1 Market Sensitive Information

Information that reveals the cost or volume of energy and energy products contracted under a certain agreement or contains customer usage data. Market sensitive information may also include price, counterparty, resource type, technology, location, capacity, procurement, delivery point, vintage, length of contract, contracted and forecasted online date, and WECC Bus ID where project is or will be interconnected.

4.2 Agency
City of Pomona

4.3 Customer
Pomona Choice Energy Customer

4.4 Energy Service Provider

A vendor of energy from conventional or renewable sources

4.5 Redacted Contracts

Contracts that have market sensitive and/or customer usage data blacked out

5.0 Background

5.1 The City is not required to disclose certain market information contained in its energy contracts and other records. The City's ability to get the most favorable pricing and contract terms would be impacted if the public had access to the City's market sensitive information, such as knowledge of what the City pays for energy or the location or term of a contract. Disclosure of market sensitive details would impact the City's flexibility in negotiation of future contracts. If the City did not keep market sensitive information confidential, its ability to negotiate the most favorable pricing and contract terms would be substantially interfered with, and the City would not be able to secure the most favorable rates and terms for its Customers.

5.2 Upon a request for records containing market sensitive information, the California Public Records Act and decisions by the California Public Utilities Commission exempt all or portions of records from being disclosed.

6.0 Policy

6.1 It is the policy of the City of Pomona to maintain the confidentiality of all market sensitive information in order to ensure that customers are not disadvantaged relative to other market participants. In accordance with the California Public Records Act at Government Code §§ 6254, 6254.15 and 6255 and California Public Utilities Code § 454.5, the City may justify withholding all or a portion of any record by demonstrating that it contains market sensitive information.

7.0 Procedure

7.1 City Clerk will receive all contracts with market sensitive information redacted. All contracts submitted to the City Clerk will have a cover sheet indicating redacted or non-redacted (Exhibits B and C for examples). Redacted contracts can be made available to the public.

7.2 Generally, contracts with non-redacted market sensitive information will be made available to the public either 3 years after contract execution for those contracts with terms of 5 years or greater, or 1 year after contract termination for those contracts with terms of less than 5 years, or in a manner consistent with the California Public Records Act or CPUC confidentiality rules, as they may be amended from time to time.

- 7.3 All requests for redacted contracts will have a response letter issued to them stating the reason for non-disclosure, in addition to other City records request procedures (see Exhibit A for example).



James W. Makshanoff, City Manager



Date

Exhibit A

Sample Letter

Dear _____,

In response to your request dated _____, the City has determined that the information requested contains market sensitive information. In accordance with Policy No. PCE-05, copies of executed contracts are available to the public with market sensitive information redacted.

The City has determined that such information is exempt from disclosure pursuant to California Public Records Act §§ 6254, 6254.15 and 6255 as well as California Public Utilities Code § 454.5 and relevant decisions of the California Public Utilities Commission. The City believes it is necessary to protect market sensitive information data to secure the most favorable pricing and energy contract terms and therefore the most favorable rates for Pomona Choice Energy customers.

City Clerk
City of Pomona

Exhibit B

CONTRACT: _____

PER POLICY # PCE-05

REDACTED COPY FOR PUBLIC DISCLOSURE

Exhibit C

CONTRACT: _____

PER POLICY # PCE-05

NON-REDACTED COPY

NOT FOR PUBLIC DISCLOSURE UNTIL _____