


# City of Palmdale Administrative Policy

<b>TITLE</b> COST CONFIDENTIALITY	<b>PAGE</b> 1 OF 5	<b>POLICY NUMBER</b> A-7
<b>ADOPTED</b> June 30, 2022	<b>REVISED</b>	
<b>PREPARED BY</b> FINANCE	<b>POLICY APPLIES TO</b> ALL CITY DEPARTMENTS/DIVISIONS	
<b>APPROVED BY</b> 	TS	<b>RONDA PEREZ, INTERIM CITY MANAGER</b>

## PURPOSE

To protect the market sensitive data of Energy for Palmdale’s Independent Choice (“EPIC”), a Community Choice Aggregation.

## DEFINITIONS

1. Market Sensitive Data – Data that reveals the cost or volume of energy and energy products contracted under a certain agreement
2. Agency – City of Palmdale
3. Customer – Energy for Palmdale’s Independent Choice (“EPIC”) customer
4. Energy Service Provider – A vendor of energy from conventional or renewable sources
5. Redacted Contracts – Contracts that have market sensitive and/or utility usage data blacked out

## POLICY & PROCEDURES

### Background:

In determining if a contract contains market sensitive data, the City weighs the interest of its customers against the public’s right to receive precise pricing information. The City’s ability to get the most favorable pricing would be impacted if other energy service providers had full knowledge of what the City pays for energy. Disclosure of specific details would impact the City’s flexibility in negotiation of future contracts. If the City did not keep market sensitive data confidential, its ability to negotiate the most favorable pricing would be hampered and the City would not be able to secure the most favorable rates for its Customers.

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Policy:

It is the policy of the City of Palmdale to maintain the confidentiality of all market sensitive data in order to ensure that customers are not disadvantaged relative to other market participants. In accordance with California Public Record Act Section 6255, the Agency may justify withholding any record by demonstrating the public interest in nondisclosure outweighs the public interest in disclosure.

Procedure:

1. City Clerk will receive all contracts with market sensitive data redacted. All contracts submitted to the City Clerk will have a cover sheet indicating redacted or non-redacted (see Exhibits B and C for examples). Redacted contracts are available to the public.
2. The contract with non-redacted market sensitive data is made available to the public either 3 years after contract execution for those contracts with terms 5 years or greater, or 1 year after the contract termination for those contracts with terms of less than 5 years.
3. All requests for redacted contracts will have a response letter issued to them stating the reason for non-disclosure (see Exhibit A for example).

**Attachments**

- Exhibit A – Sample Letter
- Exhibit B – Redacted Contract Cover Sheet
- Exhibit C – Non-Redacted Contract Cover Sheet

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### Exhibit A

#### Sample Letter

Dear \_\_\_\_\_,

In response to your request dated \_\_\_\_\_, the City of Palmdale has determined that the information requested contains market sensitive data. In accordance with Policy No. \_\_\_\_\_, copies of executed contracts are available to the public with the market sensitive data redacted.

In determining if an agreement contains market sensitive data, the City weighs the interests of its customers against the public's right to receive precise pricing information. The City believes it is necessary to protect sensitive market data to secure the most favorable pricing, and therefore the most favorable rates for Energy for Palmdale's Independent Choice ("EPIC") customers.

Therefore, the City is providing redacted copies of the agreements requested.

Scott Porter  
Acting City Attorney  
City of Palmdale

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**Exhibit B**

CONTRACT: \_\_\_\_\_

\_\_\_\_\_

PER POLICY # \_\_\_\_\_

REDACTED COPY

FOR PUBLIC DISCLOSURE

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**Exhibit C**

CONTRACT: \_\_\_\_\_  
\_\_\_\_\_

PER POLICY # \_\_\_\_\_

NON-REDACTED COPY

NOT FOR PUBLIC DISCLOSURE

UNTIL \_\_\_\_\_