

**CITY OF BALDWIN PARK
Administrative Policy**

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

1.0 Purpose

To protect the market sensitive data of Baldwin Park Resident Owned Utility District (BPROUD), a Community Choice Aggregator.

2.0 Organizations affected

City of Baldwin Park
All City of Baldwin Park Departments
Baldwin Park Resident Owned Utility District

3.0 References

California Public Records Act Section 6255

4.0 Definitions

- 4.1 Market Sensitive Data
Data that reveals the cost of volume of energy and energy products contracted under a certain agreement.
- 4.2 Agency
City of Baldwin Park
- 4.3 Customer
Baldwin Park Resident Owned Utility District 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 utility usage data blacked out

5.0 Background

5.1 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.

6.0 Policy

6.1 It is the policy of the City of Baldwin Park 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.

7.0 Procedure

7.1 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 (Exhibits B and C for examples). Redacted contracts are available to the public.

7.2 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 of 5 years or greater, or 1 year after contract termination for those contracts with terms of less than 5 years.

7.3 All requests for redacted contracts will have a response letter issued to them stating the reason for non-disclosure (see Exhibit A for example).

DocuSigned by:
Shannon Yauchzee
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Shannon Yauchzee, Chief Executive Officer

8/20/2020
Date

Exhibit A

Sample Letter

Dear _____,

In response to your request dated _____, the City has determined that the information requested contains market sensitive data. In accordance with Policy No. BPROUD-05, copies of executed contracts are available to the public with 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 Baldwin Park Resident Owned Utility District customers.

City Clerk
City of Baldwin Park

Exhibit B

CONTRACT: _____

PER POLICY # BPROUD-05

REDACTED COPY FOR PUBLIC DISCLOSURE

Exhibit C

CONTRACT: _____

PER POLICY # BPROUD-05

NON-REDACTED COPY

NOT FOR PUBLIC DISCLOSURE UNTIL _____