

DOCKETED

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May 29, 2025

Via Email

Compass Energy Storage LLC
c/o Renee Robin
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Houston, TX 77056
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**Application for Confidential Designation: Compass Energy Storage Project
Docket No. 24-OPT-02**

Dear Renee Robin:

The California Energy Commission (CEC) has received the Compass Energy Storage Project's Application for Confidentiality (TN 262868), dated April 30, 2025, covering the following documents:

- **Attachment A** to Engie's 4/30/25 Community Outreach Update: List of Organizations and Outreach Meetings
- **Attachment C** to Engie's 4/30/25 Community Outreach Update: List of Support Petition Signatures with email address and phone numbers

The applicant states that the information contained in Attachment A should be kept confidential until Engie has satisfied the requirements of Public Resources Code section 25545.10. Applicant states that if the information is "released to the public domain, there is potential for discouraging candid communication and undermining the organizations' ability to function effectively."

The applicant states that the information contained in Attachment C should be kept confidential indefinitely. Applicant states that confidentiality is "needed to ensure the perpetual protections of personal information." Applicant elaborates that, "[i]f such numbers and addresses are released to the public domain, there is the potential for fraudulent use or abuse of such personal information."

Confidentiality Claims

An application for confidential designation shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), ". . . if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential."

Attachment A:

The applicant argues that the information may be deemed confidential pursuant to Government Code section 7922.000 (the "catchall exemption") as well as the deliberative process exemption to the Public Records Act (PRA)

The catchall exemption is codified in Government Code section 7922.000. It states:

An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

To justify nondisclosure under the catchall exemption, the agency must demonstrate “that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov. Code § 7922.000; see also *Voice of San Diego v. Sup.Ct.* (2021) 66 Cal.App.5th 669, 683–684 (where agency relies on the catchall provision, it bears burden of proof to show clear overbalance in favor of nondisclosure).)

Attachment C:

The applicant argues that the information may be deemed confidential pursuant to Government Code sections 7927.105(a)(1), 7927.400, 7927.405, 7927.410, and 7927.425(b).

Government Code section 7927.700 is applicable. In relevant part, it states:

[T]his division does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Section 7927.700 gives personal privacy considerations their own express exemption from the PRA, conditioned on a showing by those opposing disclosure that the records are “personnel, medical, or similar files” and that their release “would constitute an unwarranted invasion of personal privacy.”

Discussion

Attachment A:

The applicant’s claim that if the information is “released to the public domain, there is potential for discouraging candid communication and undermining the organizations’ ability to function effectively,” does not meet the requirements set forth in Government Code section 7922.000. The claim is too speculative to establish a public interest in nondisclosure. (See, e.g., *California State Univ., Fresno Ass’n, Inc. v. Sup.Ct.* (2001) 90 Cal.App.4th 810, 834-835 (University sought to withhold the names of persons who made large donations, in part on the ground that donations would “likely” be canceled resulting in a “potential” loss, if they could not be made anonymously. The court rejected the claim because the university’s claims were too speculative to establish a public interest in nondisclosure.))

Attachment C:

The applicant makes a reasonable claim that the list of names, e-mail addresses, and phone numbers are confidential under Government Code section 7927.700.

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Government Code section 7927.700 does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Executive Director's Determination

For the reasons stated, confidentiality is denied for Attachment A. Attachment A is not designated confidential and may be disclosed. Please docket Attachment A in the proceeding's docket within 14 days of receipt of this letter. Confidentiality is granted indefinitely for Attachment C.

You may request that the CEC determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding under the provisions in the California Code of Regulations, title 20, section 2508. The CEC is not aware of any economic harm resulting from its disclosure.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of the records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Please email confidentialapplication@energy.ca.gov for further information.

Sincerely,



Drew Bohan
Executive Director