

DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	263795
Document Title:	Application for Confidential Designation Potentia-Viridi Battery Energy Storage System Docket Number - BESS
Description:	This document is the Confidential Designation Application for the UL9540A Reports.
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Organization:	Dudek
Submitter Role:	Applicant Consultant
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A Capstone Infrastructure Corporation and Eurowind Energy A/S Joint Venture

May 30th, 2025

Via email

California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Application for Confidential Designation Potentia-Viridi Battery Energy Storage System - Docket Number 24-OPT-04

To Whom It May Concern:

Levy Alameda, LLC ("Applicant"), as applicant for the Potentia-Viridi Battery Energy Storage System Project ("Project"), requests that the information identified below be designated as confidential pursuant to California Code of Regulations, title 20, section 2505. This information is being supplied to the California Energy Commission ("CEC") in support of the Applicant's opt-in application for the Project.

1. Contact Information (20 CCR 1208.1)

Applicant Name: Levy Alameda, LLC

Address: 155 Wellington Street West, Suite 2930, Toronto, ON M5V 3H1, Canada

Phone Number: 310-899-5340

E-mail: KStrain@capstoneinfra.com

Proceeding Name: Potentia-Viridi Battery Energy Storage System

Docket Number: 24-OPT-04

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

Title	Date	Description	Pages
UL9540A Reports	May 2025	Battery energy storage system fire test reports	404

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.))**

The UL9540A Reports should be designated confidential in their entirety.

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.))**

The information should be kept confidential indefinitely to preserve trade secrets and commercially sensitive information of one or more battery energy storage system equipment manufacturers, consistent with the Applicants' obligations under non-disclosure/confidentiality agreements; to prevent a loss of competitive advantage to the Applicant from disclosure of its trade secrets and commercially sensitive information; and to protect energy infrastructure from vandalism, terrorism, or other bad acts.

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 2505(a)(1)(D.))**

Trade secrets—defined as “information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy”—are exempt from disclosure under the California Public Records Act. (Gov't Code §§ 7927.605(a), 7927.705; Evid. Code § 1060; Civ. Code § 3426.1(d).) In addition, the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure. (Gov't Code § 7922.000.)

The UL9540A Reports contain commercially sensitive information that one or more battery energy storage system equipment manufacturers provided to the Applicant pursuant to non-disclosure/confidentiality agreements. The battery energy storage system equipment manufacturer(s) require non-disclosure/confidentiality agreements to protect the economic value that they derive from the information contained in the fire test reports for their battery energy storage system equipment. The Applicant must prevent public disclosure of this information to avoid breaching these non-disclosure/confidentiality agreements.

The UL9540A Reports also contain trade secrets of the Applicant, in that disclosing the information in the document would reveal to the public and the Applicant's potential commercial partners and industry competitors which equipment the Applicant may use for its project as well as proprietary information about such equipment. Disclosure of such information would put the Applicant at a significant market disadvantage, compromise the Applicant's position during contract negotiations, and provide an advantage to industry competitors and potential commercial partners. It is in the public's interest to have

nondisclosure of this information to ensure industry competitiveness and trade secrets are maintained.

In addition, the UL9540A Reports contain information related to the vulnerability of energy infrastructure, which is at risk for vandalism, terrorism, or other bad acts. It is in the public's interest to keep this information confidential to protect public safety and security.

- 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: (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. (20 CCR 2505(a)(1)(D.))**

The UL9540A Reports contain trade secrets of the Applicant, in that disclosing the information in the document would reveal to the public and the Applicant's potential commercial partners and industry competitors which equipment the Applicant may use for its project as well as proprietary information about such equipment. The Applicant has a competitive advantage in that this information is not known and cannot be legitimately acquired by other parties, including counterparties with whom it is negotiating and industry competitors. Disclosure of such information would put the Applicant at a significant market disadvantage, compromise the Applicant's position during contract negotiations, and provide an advantage to industry competitors and potential commercial partners. Disclosure of such information also could put the Applicant at risk of violating its obligations under non-disclosure/confidentiality agreements with the equipment manufacturer(s) who provided such information to the Applicant.

- 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.))**

The UL9540A Reports cannot be masked or aggregated in any way because the entire document contains trade secrets and commercially sensitive information. Disclosing any portion of this information would disclose trade secrets and commercially sensitive information, and could put the Applicant at risk of violating its non-disclosure/confidentiality agreements with battery energy storage system manufacturers.

- 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.))**

This information has been kept confidential by the Applicant and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf

of the Applicant under confidentiality agreements and/or duties of confidentiality. The Applicant is obligated to keep this information confidential pursuant to non-disclosure/confidentiality agreements with the battery energy storage system manufacturers who provided this information to the Applicant.

* * *

Pursuant to California Code of Regulations, title 20, section 2505(a)(1)(G), 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. Levy Alameda, LLC is a limited liability company. I am authorized to make this application and certification on behalf of Levy Alameda, LLC.

Thank you for your consideration of this Application for Confidential Designation. Levy Alameda, LLC looks forward to working with the CEC in processing its opt-in application for the Project. If you have any questions or concerns about this Application for Confidential Designation, please contact Kelene Strain (310-899-5340, KStrain@capstoneinfra.com) and Dana Palmer at Allen Matkins Leck Gamble Mallory & Natsis LLP (310-788-2444, DPalmer@allenmatkins.com).

Respectfully submitted,

DocuSigned by:

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Patrick Leitch
Chief Operating Officer
Levy Alameda, LLC