

| <b>DOCKETED</b>         |                                      |
|-------------------------|--------------------------------------|
| <b>Docket Number:</b>   | 25-OPT-02                            |
| <b>Project Title:</b>   | Prairie Song Reliability Project     |
| <b>TN #:</b>            | 265875                               |
| <b>Document Title:</b>  | Confidential Designation Application |
| <b>Description:</b>     | N/A                                  |
| <b>Filer:</b>           | Erin Phillips                        |
| <b>Organization:</b>    | Dudek                                |
| <b>Submitter Role:</b>  | Applicant Consultant                 |
| <b>Submission Date:</b> | 9/4/2025 4:32:46 PM                  |
| <b>Docketed Date:</b>   | 9/4/2025                             |

September 02, 2025

Drew Bohan  
Executive Director  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

**RE: Prairie Song Reliability Project (25-OPT-02): Application for Confidential Designation for Opt-In Application for Certification Confidential UL9540A Test Reports**

Dear Mr. Bohan:

Pursuant to Sections 2505 et seq., of Title 20 of the California Code of Regulations, Prairie Song Reliability Project LLC (the “Applicant”) hereby submits this *Application for Confidential Designation* for the following information submitted in support of the Opt-In Application for Certification for the Prairie Song Reliability Project:

- Confidential UL9540A Test Reports

Please contact Garrett Lehman at [glehman@covalinfra.com](mailto:glehman@covalinfra.com) should you have any questions or require additional information.

Thank you.

Sincerely,



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Sam Littlefield  
Chief Development Officer

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Prairie Song Reliability Project (25-OPT-02)**

1. *Specifically indicate those parts of the record which should be kept confidential.*
  - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*

Prairie Song Reliability Project LLC (“Applicant”) seeks confidential designation for the following information (the “Information”) submitted on behalf of the Prairie Song Reliability Project (“PSRP”):

- Confidential UL9540A Test Reports

- b. *Parts of the information or data for which you request confidential designation.*

The Information should be confidential in its entirety.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Information should be kept confidential for the operating life of the PSRP.

3. *Cite and discuss:*
  - (a) *the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.*
  - (b) *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.*

The Public Records Act exempts “trade secrets” from public disclosure, including “any formula, plan,...production data, or compilation of information”, which is “known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value”, is not patented, and which “gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (See, Govt. Code § 7924.510(f); see also, Govt. Code § 7927.605.)

The Information includes commercially sensitive information that was provided to the Applicant in accordance with a non-disclosure agreement and is considered to be proprietary and confidential by the equipment manufacturer. The Applicant reached out to the manufacture and asked if the UL9540 certification and UL9540A tests could be shared in the application. The manufacturer stated that we could share the UL9540 certification publicly but could only share the UL9540A tests confidentially. Confidential designation should be granted by the CEC in

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Prairie Song Reliability Project (25-OPT-02)**

light of the equipment manufacturer's designation of the information as confidential and proprietary, and to prevent potential use of the information by competitors and economic loss to the manufacturer.

The Information also contains information that has independent economic value from not being generally known to the public or to the Applicant's competitors who can obtain economic value from its disclosure or use. Disclosure may cause a loss of competitive advantage to the Applicant, as competitors or other equipment manufacturers could ascertain information that may affect bids for equipment or project development costs relating to key components of a battery energy storage system ("BESS"). Confidential designation should be granted to prevent potential loss of a competitive advantage.

The Information also contains sensitive information regarding the storage, generation, and operating response characteristics of a key component of a BESS. This information could be useful to a person planning an attack on critical infrastructure. As such, the CEC should keep such information confidential as nondisclosure of the information will protect against potential misuse of the information for illicit purposes, such as vandalism, tampering, or other third-party imposed damages. The public interest in preventing such acts clearly outweighs the public interest served by disclosure of the information for which the Applicant is seeking confidential designation. For these reasons, the CEC should grant confidential designation.

Finally, because the CEC has previously granted confidential designation of UL9540A Test Reports in other proceedings, the same designation should be granted here.<sup>1</sup>

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask portions of the Information. It may be possible to redact certain portions; however, such redactions should be done in coordination with the Applicant to protect any sensitive information contained therein.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Information is accessible to employees or consultants working on behalf of the Applicant and regulatory agencies that have regulatory oversight or other responsibilities over either the Information or the PSRP.

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<sup>1</sup> See, TN#: 265576

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Prairie Song Reliability Project (25-OPT-02)**

*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 and belief. I am authorized to make this Application and Certification on behalf of the Applicant.*

Dated: September 02, 2025

By:



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Sam Littlefield  
Chief Development Officer