

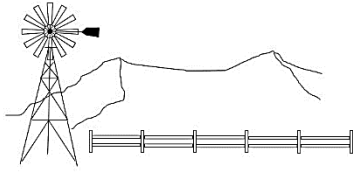
<b>DOCKETED</b>	
<b>Docket Number:</b>	25-OPT-02
<b>Project Title:</b>	Prairie Song Reliability Project
<b>TN #:</b>	265892
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*Comment Received From: Jacqueline Ayer*  
*Submitted On: 9/5/2025*  
*Docket Number: 25-OPT-02*

**SORT Comment letter in response to request for confidentiality of  
UL9540A test reports**

SORT Comment letter in response to request for confidentiality of UL9540A test reports

*Additional submitted attachment is included below.*



# SAVE OUR RURAL TOWN

September 5, 2025

Lisa Worrall  
Project Manager  
California Energy Commission  
715 P Street, MS-40  
Sacramento, CA 95814

Subject: Response from Save Our Rural Town (SORT) to the *Application for Confidential Designation* for UL 9540A Test Reports.

Reference: Docket Number 25-OPT-02.

Dear Ms. Worrall;

Save Our Rural Town (SORT) understands that the Applicant in Docket Number 25-OPT-02 recently filed an “Application for Confidential Designation” for various UL9540A test reports (Application). This Application cites a Non-disclosure Agreement that the Applicant signed with a Battery Energy Storage System (BESS) manufacturer as well as economic competition and “critical infrastructure” protection as reasons for granting the Application. In response, SORT points out that UL 9540A testing is directly relevant to the public safety concerns that we raised in our letter dated August 18 and submitted in the referenced docket on August 19; therefore, the contents of UL9540A test reports should be made publicly available to the greatest extent possible.

The Applicant admits that the report could be redacted “to mask portions of the information” that pertains to trade secrets; this would adequately protect any confidential manufacturer information reflected in the reports. SORT would not object to such redactions if they are demonstrably necessary to protect proprietary manufacturer information. However, information pertaining to test settings, processes, conditions at thermal runaway onset, flame length and characteristics, and other relevant data is of such substantial public interest that is not outweighed by any Applicant or manufacturer interest. Accordingly, all such information should be disclosed to the public.

The Applicant argues that there are economic and public safety reasons why UL9540A test reports should be withheld from the public; however, these arguments ring hollow. For example, the Applicant claims (without explanation or justification) that disclosure of UL9540A test results could somehow economically benefit the Applicant's "competitors"; this claim is not dispositive and it is certainly not sufficient to grant a request for full confidentiality. UL9540A is nothing more than a certification procedure that provides only engineering data and physical test outcomes and does not report cost or bid information; accordingly, there is no clear nexus between one BESS manufacturer's UL9540A flame propagation test results and the price at which other BESS manufacturers sell their products to energy developers who are in competition with the Applicant. And, given that any genuine "trade secret" information can be redacted, there are no legitimate economic reasons for granting the Applicant's request for confidentiality.

Additionally, the Applicant's argument that the information contained in UL9540A test reports could be used to attack critical infrastructure is not persuasive. The only justification offered to support this argument is that certain characteristics of certain BESS "components" could perhaps be "useful" to an attacker; however, this justification is weightless and lacks merit. As indicated in Attachment 4 of our letter dated August 18, UL9540A testing is about flame propagation, not BESS storage, generation, or operating characteristics<sup>1</sup>. And, given that specific information pertaining to storage, generation, and operating characteristics of specific BESS components can be redacted, the Applicant's concerns can be easily dispensed with. Moreover, and as SORT explained in our letter dated August 18, 2025, the placement and concentrated configuration of the proposed BESS Project in Acton renders it so vulnerable that a single individual acting alone could quickly and easily decimate both the BESS yard and the associated 500 kV substation. This poses a far more substantial threat to "critical infrastructure" than the disclosure of UL9540A flame propagation test results; yet, the Applicant declines to address it.

Finally, the Applicant claims that, because the Commission withheld UL9540A test reports from the public in Docket 24-OPT-04, they should be withheld in Docket 25-OPT-02. Insofar as SORT is aware, there were no objections raised in Docket 24-OPT-04 to the UL 9540A confidentiality request, so the Commission did not consider any perspectives other than the applicant's when the confidentiality request was granted for the Potentia-Viridi BESS. SORT seeks to ensure that the same path is not followed in Docket 25-OPT-02 by sharing with the Commission the public's perspective on just how

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<sup>1</sup> UL 9540A is titled "Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems".

important public disclosure of UL9540A flame propagation test results are. As we explained in our August 18 letter, BESS deflagration is the culmination of a thermal runaway event coupled with its ensuing flame propagation; accordingly, flame propagation characteristics lie at the very heart of all the significantly adverse public safety and wildfire risks posed by the BESS Project. The public has a right to know and understand the flame propagation characteristics and fire behavior of the 2,035 BESS units that the Applicant seeks to construct and which will directly threaten the safety and wellbeing of Acton residents. *UL9540A is a standardized test method that is mandated by adopted fire codes throughout the country*; therefore, UL9540A testing *does not* involve any proprietary processes, its results *are not* “secret”, and there *is not* a legitimate reason for withholding such results from the public.

SORT respectfully requests that the Commission consider these factors in the contemplation of the *Application for Confidential Designation* for UL 9540A Test Reports submitted in Docket 25-OPT-02, and direct the Applicant to publicly disclose these reports after proprietary information pertaining to manufacturer “trade secrets” is redacted.

Respectfully Submitted;

/S/ Jacqueline Ayer

Jacqueline Ayer, Director  
Save Our Rural Town