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November 6, 2025

Via Email

B. Joe Ashley, Director- Governmental & External Affairs
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**Application for Confidential Designation: Elk Hills Power Plant PTA for Cal Capture Project
Docket 99-AFC-01C**

Dear Mr. Ashley and Mr. Padilla:

The California Energy Commission (CEC) has received an Application for Confidentiality from California Resources Corporation (Applicant), docketed October 21, 2025 (TN 266738) covering the following records:

- Application for Confidential Designation CalCapture process sized equipment list prepared by Fluor:
 - EH-35R-CCU1-LST-22S-0001, 19Aug2025, 15 pages

A properly filed application for confidentiality shall be granted under 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."

Discussion

The application states that the process sized equipment list prepared by Fluor should be designated confidential to preserve confidentiality of the Applicant's trade secrets, and to protect proprietary information related to the design of the facility. The application requests the information be maintained as confidential for 18 years to align with project non-disclosure agreements between the Applicant and licensor. The application states the documents should be granted confidentiality under California Public Records Act, referencing Government Code sections 7927.605 (a-c), 7927.705, Evidence Code section 1060, and Civil Code section 3426.1(d).

The California Public Records Act allows for the non-disclosure of trade secrets including, among others, those records exempt from disclosure under the Uniform Trade Secrets Act. (Gov. Code, §§ 7927.605, 7927.705, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.)

Civil Code section 3426.1(d) defines "trade secret" as:

[I]nformation, 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. (Civ. Code, § 3426.1(d); See also Gov. Code, §§ 7927.705, 7930.205; Evid. Code, § 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

California Code of Regulations, title 20, section 2505 (a)(1)(D), provides that if an applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, the application shall state: (1) the specific nature of the advantage, (2) how the advantage would be lost, (3) the value of the information to the applicant, and (4) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The application addresses the four elements in California Code of Regulations, title 20, section 2505 (a)(1)(D) as follows:

- 1) *The specific nature of the advantage* – The information depicts and describes licensor specific proprietary chemical process configuration for the facility that provides for a lower cost and more efficient process solution.
- 2) *How the advantage would be lost* – Public disclosure of this information would enable competitors to reverse-engineer the design of the proprietary chemical process configuration, reducing or eliminating licensor competitive advantage that is a direct result of years of investment.
- 3) *The value of the information to the applicant* – The value to the licensor is \$30 million.
- 4) *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The information could not be legitimately acquired or duplicated by others. Information is only shared under non-disclosure agreements. It would also be very difficult to duplicate the information because the information is based on over 30 years of development, research and testing. The applicant has also made generic and simplified versions of the information disclosed publicly. The information contained is more detailed and only shared under non-discourse agreements. The Information is accessible only to the Applicant's employees or consultants working on behalf of the CalCapture CCS Project, and regulatory agencies that have regulatory oversight or other responsibilities over either the Information or the Elk Hills Power Plant.

Executive Director's Determination

The Applicant has made a reasonable claim that combined lighting plans can be maintained as confidential for 18 years to align with project non-disclosure agreements between the Applicant and licensor. As such, the Applicant's request for confidential designation is granted.

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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 its 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.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director