

DOCKETED

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CALIFORNIA ENERGY COMMISSION



January 20, 2026

Via Email

B. Joe Ashley, Director- Governmental & External Affairs
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Application for Confidential Designation: Preliminary Engineering Study Report, Docket Number Docket 99-AFC-01C, Elk Hills Power Plant, Kern County California [PG&E Cluster Study]

Dear Mr. Ashley:

The California Energy Commission (CEC) has received an Application for Confidentiality from California Resources Corporation (Applicant), docketed December 17, 2025 (TN 267976) covering the following records: Preliminary Engineering Study Report (LC25-08), PG&E 2025 Cluster Study prepared for California Resources Corporation.

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 Preliminary Engineering Study Report (LC25-08), PG&E 2025 Cluster Study should be designated confidential indefinitely to align with existing project nondisclosure agreements between CRC and PG&E, and to preserve confidentiality of non-public information including technical designs, modeling, and commercially sensitive information. The application states the documents should be granted confidentiality under the California Public Records Act, referencing Government Code sections 7927.605(a), 7927.705, Evidence Code sections 1060-1062, and Civil Code section 3426.1(d) as trade secrets.

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, §§ 7927.705, 7930.005, 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, 7930.005, 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* – Information depicts and describes PG&E specific energy reliability process for project facilities still in preliminary stages of development and revelation of proposed plans could provide competitive advantage to other energy companies.
- 2) *How the advantage would be lost* – Disclosure of this information would enable outside entity to reverse-engineer design of proprietary energy reliability processes thereby reducing or eliminating the applicant's competitive advantage that is a direct result of years of investment.
- 3) *The value of the information to the applicant* – Value of information is unquantifiable but is significant and highly material to applicant's business.
- 4) *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The information would be difficult to legitimately acquire because the information is only shared under non-disclosure agreements. The applicant claims that it would be very difficult to duplicate the information because the information is based on over 25 years of development, research and testing.

Executive Director's Determination

The applicant has made a reasonable claim that Preliminary Engineering Study Report can be maintained as confidential. As such, the Applicant's request for confidential designation is granted.

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.

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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