

<b>DOCKETED</b>	
<b>Docket Number:</b>	26-OPT-01
<b>Project Title:</b>	Vaca Dixon Power Center Project
<b>TN #:</b>	268379
<b>Document Title:</b>	CEC Response Letter to Vaca-Dixon's (5) Applications for Confidential Designation
<b>Description:</b>	Response to: (TNs 268177 (Appen. A), 268175 (Appen. L), 268176 (Appen Q), 268181 (Appen. E), and 268203 (Appen F, 1-15), 268204 (Appen F, 16-30), 268207 (Appen F, 31-45), 268212 (Appen F, 46-63)), dated January 6, January 7, and January 9, 2026.
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Energy Commission
<b>Submission Date:</b>	1/30/2026 3:39:12 PM
<b>Docketed Date:</b>	1/30/2026



January 30, 2026

**Via Email**

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**Application for Confidential Designation: Vaca Dixon Power Center Project  
Docket No. 26-OPT-01**

Dear Rincon Consultants:

The California Energy Commission (CEC) received Applications for Confidentiality (TNs 268177 (Appen. A), 268175 (Appen. L), 268176 (Appen Q), 268181 (Appen. E), and 268203 (Appen F, 1-15), 268204 (Appen F, 16-30), 268207 (Appen F, 31-45), 268212 (Appen F, 46-63)), dated January 6, January 7, and January 9, 2026, from Rincon Consultants on behalf of Vaca Dixon BESS LLC and Arges BESS LLC (Applicants) regarding the following documents:

- Appendix A, Property Owner Information
- Appendix L of Appendix Y, Biological Resources Technical Study
- Appendix Q, Socioeconomics Study
- Appendix E, Interconnection Agreement and QC14 Phase 2 Study
- Appendix F, Cultural Resources Technical Report (Parts 1-15 of 63)
- Appendix F, Cultural Resources Technical Report (Parts 16-30 of 63)
- Appendix F, Cultural Resources Technical Report (Parts 31-45 of 63)
- Appendix F, Cultural Resources Technical Report (Parts 46-63 of 63)

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."

**Appendix A, Property Owner Information:**

The Applicants request Appendix A be kept confidential indefinitely pursuant to various provisions of the California Consumer Privacy Act and the California Privacy Rights Act. They allege disclosure of names in the document could allow for harassment or abuse of such personal information.

Under California Civil Code section 1798.24 an agency shall not disclose any personal information in a manner that would link the information disclosed to the individual to

whom it pertains. California Civil Code section 1798.3 defines the term “personal information” to mean any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.

Here, the documents consist of the assessor parcel numbers, names and mailing addresses of the listed owners. Some properties are owned by public agencies, trusts, or corporations and do not include any individual’s name.

### **Executive Director’s Determination**

The Applicants have made a reasonable claim that individual names associated with the addresses should be maintained as confidential indefinitely. As such, the Applicants’ request for confidential designation for the individual property owner names is granted. All other information contained in the record including the assessor parcel numbers, identification of company or public agency property owners, and addresses are denied confidentiality.

### **Appendix L of Appendix Y, Biological Resources Technical Study:**

Appendix L of Appendix Y (Biological Resources Technical Report) includes a California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) map showing locations of rare animals and natural communities. Applicants clarified that they also seek confidentiality of the GIS file attachment of Appendix Y. The application requests that the information be confidential in its entirety and indefinitely, alleging potential harm to the biological resources if the locations of rare species of animals were known to the public.

The CNDDDB contains language within the database that restricts public disclosure of maps of certain resolution. CEC staff confirmed with CDFW staff that the CNDDDB maps should not be released to the public as presented.

Under California Government Code section 7922.000, an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. As stated in the application, the public interest in nondisclosure involves avoiding potential destruction of rare plants, animals, and natural communities. This interest outweighs that of disclosure, as disclosure may enable the location of sensitive biological resources sites by entities conducting unauthorized collection or disturbance of such resources.

### **Executive Director’s Determination**

The Applicants have made a reasonable claim that Appendix L of Appendix Y should be maintained as confidential indefinitely which is consistent with CDFW directions. As such, the Applicants’ request for confidential designation of Appendix L of Appendix Y is granted.

### **Appendix Q, Socioeconomics Study:**

The Applicants request confidentiality of Appendix Q in its entirety, indefinitely. The Applicants assert the data contains trade secrets, the disclosure of which would cause a

loss of a competitive advantage. Specifically, the requested confidential information includes estimated capital cost(s), total estimated construction costs per component, and/or pricing. Beyond the application, Appendix Q includes information about worker compensation estimates, annual economic impact estimates, local, county, and state tax revenue estimates, and construction and operations cost information.

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(k), 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), states 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 provides the following answers to the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D):

1. *The specific nature of the advantage* – Applicants claim the information in Appendix Q pertains to estimated capital costs, pricing, and “total estimated construction costs per component, which Applicants claim to reflect Applicants’ “forecasted economic standing.” Applicants claim this information is “trade secret,” which provides the Applicants with a “competitive advantage in the industry.” Applicants state, there are confidential agreements between the Applicants and third parties. Applicants state, that the Applicants keep the record “only for internal budgeting and forecasting purposes and is not ever disclosed to a person other than an employee or contractor(s) working on behalf of the company.”
2. *How the advantage would be lost* – Applicants claim that public disclosure of this information would “negatively impact” the Applicants’ “competitive ability to negotiate and secure agreements with contractors, financiers, offtakers, and other industry parties on an ongoing basis given the pricing that has been secured and reflected” in included estimates. Applicants further claim that “Industry competitors would be able to utilize this information to further their own

negotiations with third parties” using Applicants’ information as leverage, thereby enhancing competitors ability to negotiate to the detriment of the Applicants.

3. *The value of the information to the applicant* – Nondisclosure of the information would preserve Applicants’ “competitive ability to negotiate and secure agreements with contractors, financiers, offtakers, and other industry parties on an ongoing basis.” Moreover, Applicants states, “public disclosure of estimated capital cost(s) and/or pricing would negatively impact our competitive advantage to negotiate and secure agreements with contractors, financiers, off takers, and other industry parties.”
4. *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The information referenced above cannot be legitimately acquired or duplicated by others. The information is not publicly available. The application states, “The record is kept only for internal budgeting and forecasting purposes and is not ever disclosed to a person other than an employee or contractor(s) working on behalf of the company.”

### **Executive Director’s Determination**

The application is granted in part as follows and rejected in part. Applicants have made a reasonable showing that the information referenced above in Appendix Q satisfies the requirements of a trade secret in part, in accordance with California Code of Regulations, title 20, section 2505(a)(1)(D). Therefore, the CEC designates estimated capital cost(s), total estimated construction costs per component, and/or pricing, worker compensation estimates, annual economic impact estimates, local, county, and state tax revenue estimates, and construction and operations cost information in Appendix Q as confidential for a term of twenty years or the life of the project, whichever is longer.

### **Appendix E, Interconnection Agreement and QC14 Phase 2 Study:**

The Applicants request that Appendix E, the Interconnection agreement and the California Independent System Operator (CAISO) QC14 Phase 2 Study Interconnection Study Report, should be kept confidential in its entirety, indefinitely. The Applicants state that the documents included in this appendix “are subject to a Non-Disclosure Agreement (NDA) or the confidentiality rules contained in the CAISO Interconnection Agreement.” Additionally, the Applicants claim that Appendix E falls within the definition of “trade secret.”

As noted above, 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(k), 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), states 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 provides the following answers to the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D):

1. *The specific nature of the advantage* – Applicants claim the information comprises “commercially valuable” and “sensitive transmission planning and cost information” “related to the interconnection of the Project to the California transmission system.”
2. *How the advantage would be lost* – Applicants claim, “It is in the public’s interest to have nondisclosure of this record to ensure industry competitiveness and trade secrets are maintained, therefore maintaining the competitiveness of the power market overseen by CAISO and consumer energy prices to competitive levels. The Applicant’s Interconnection Agreement and QC14 Phase 2 Study constitutes a trade secret due to the private and confidential nature of the agreement(s) with external parties including CAISO, regarding critical energy and infrastructure information. Public disclosure of this information would also prevent potential misuse of the information for malicious purposes, including those that could pose a risk for public health and safety.”
3. *The value of the information to the applicant* – Applicants claim that any and all details contained in the CAISO Interconnection Agreement are “a significant component of the Applicants’ competitive advantage in the industry.”
4. *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The Applicants state they “have not disclosed any of the confidential information to parties other than its employees, attorneys, and consultants working on the Project.”

Applicants state that the data cannot be disclosed even if aggregated or masked due to the nature of the NDA rules and because it constitutes a trade secret.

### **Executive Director’s Determination**

The applicant has made a reasonable showing that the information contained in Appendix E study documents should be maintained as confidential due to the provisions for confidentiality in the executed interconnection agreement. Moreover, Title 20, California Code of Regulations, section 2505(b) provides:

“When another federal, state, regional, or local agency or state-created private entity, such as the California Independent System Operator, possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.”

Here, the Appendix E comprises information from the California Independent System Operator. Applicants provided Appendix E to this agency under confidentiality provisions and disclosure would violate those confidentiality obligations. The information is pertinent to the responsibilities of the CEC.

Moreover, beyond the application for confidentiality, Government Code section 7927.300 provides for confidentiality of “geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.”

Therefore, the applicant has made a reasonable showing that the information contained in Appendix E is confidential. As such, the Applicants’ request for confidential designation of Appendix E is granted for the life of the project or twenty years, whichever is longer.

**Appendix A of Appendix F and Appendix D of Appendix F, Cultural Resources Technical Report:**

Applicants requested confidentiality for two Appendices of Appendix F - Cultural Resources Technical Report Appendix F(A) and Appendix F(D). Appendix F(A) of is the Northwest Information Center Records Search Results. Appendix F (D) is the Cultural Resources Inventory Report from the proceeding for the Corby Battery Energy Storage System Project in Solano County, California. The Applicants state the documents identify areas of potential cultural and historical significance and disclosing the documents could lead to potential harm, destruction, or looting of the cultural resources and sites. Such looting would preclude scientific study of the sites to gain data about the cultural resources of the area. Applicants state the records should be granted confidentiality indefinitely under former Government Code sections 6254(e) and 6254(k), and by analogy to former Government Code section 6254(r). The Applicants state the public interest will be served by nondisclosure by preventing looting of the cultural resources and sites described in the reports.

The Applicants state the information contained within Appendix A and Appendix D has not been disclosed by the consultant to any parties beyond Applicants’ staff who are directly associated with the proposed project. Applicants acknowledge that the information disclosed in Appendix A and Appendix D has been aggregated and summarized in the application for the project.

The California Public Records Act provides for the nondisclosure of archaeological site information and records of Native American places, features, and objects and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency. (Gov. Code, §§ 7927.000 [former § 6254(r)], 7927.005 [archaeological site information].)

Government Code section 7927.300 replaces former section 6254(e), and provides for confidentiality of “geological and geophysical data, plant production data, and similar information relating to utility systems development ... obtained in confidence from any person.” Government Code section 7927.705 replaces former section 6254(k), and provides for confidentiality for a record for which disclosure is exempted or prohibited pursuant to federal or state law.

The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations on public lands must be protected to preserve them. (54 U.S.C., § 306131.)

California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure.

### **Executive Director’s Determination**

It is in the public interest, and expressly covered under the law, to protect cultural and archeological resource location information to prevent looting and unauthorized collection. The Applicants made a reasonable claim that the documents identified above, containing information on cultural and archeological resources, records, reports, and maps can be maintained as confidential indefinitely. As such, the Applicants’ request for confidential designation of the documents listed above 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.

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](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director