

DOCKETED	
Docket Number:	03-AFC-02C
Project Title:	Los Esteros Phase II Compliance
TN #:	268635
Document Title:	Application for Confidential Designation_ Interconnection Documents
Description:	Application for Confidential Designation_ Interconnection Documents
Filer:	Jeffery D. Harris
Organization:	Climate Edge Law Group
Submitter Role:	Applicant Representative
Submission Date:	2/13/2026 3:14:52 PM
Docketed Date:	2/13/2026

February 13, 2026

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

RE: Los Esteros Critical Energy Facility (03-AFC-02C): Application for Confidential Designation: Transmission System Engineering

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, Los Esteros Critical Energy Facility, LLC (the “Applicant”) hereby submits this *Application for Confidential Designation: Transmission System Engineering* for the following information submitted in support of the *Petition for Modification: Tanager Battery Energy Storage System Project*:

- Confidential Attachment DR-A42, California Independent System Operator Interconnection Documents
- Confidential Attachment DR-A46, One-Line Diagram of Los Esteros Substation

Please contact Jeffery Harris or Samantha Neumyer at (916) 629-4141 should you have any questions or require additional information.

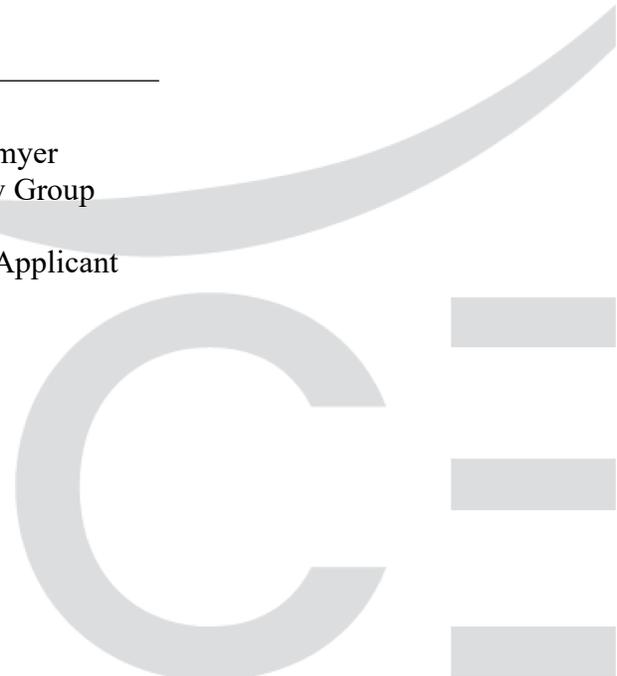
Thank you.

Sincerely,

/s/

Jeffery D. Harris
Samantha G. Neumyer
Climate Edge Law Group

Attorneys for the Applicant



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.*

Los Esteros Critical Energy Facility, LLC (“Applicant”) seeks confidential designation for the following information (the “Information”) submitted on behalf of the of the *Petition for Modification: Tanager Battery Energy Storage System Project*:

- Confidential Attachment DR-A42, California Independent System Operator Interconnection Documents.
- Confidential Attachment DR-A46, One-Line Diagram of Los Esteros Substation.

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.*

For the reasons articulated herein below, the Information should be kept confidential for the operating life of the Tanager BESS Project.

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 allows the California Energy Commission (“CEC”) to exempt from disclosure information and records where “...on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov’t Code § 7922.000.)

The public interest served by not disclosing the Information clearly outweighs the public interest served by disclosure. The Confidential Attachment DR-A42 Interconnection Documents has been designated as confidential information by the California Independent System Operator (“CAISO”) and contains information that the Applicant understands may be considered by the CAISO to

constitute critical energy/electricity infrastructure information (“CEII”). Similarly, Confidential Attachment DR-A46, One-Line Diagram of Los Esteros Substation is sufficiently detailed to be considered confidential by PG&E.

CEII is defined by the CAISO Tariff as having the same meaning as that set forth in Section 388.113, et seq. of Title 18 of the Code of Federal Regulations. Section 388.113 defines CEII as including “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure” that:

- Relates details about the production, generation, transportation, transmission, or distribution of energy;
- Could be useful to a person in planning an attack on critical infrastructure;
- Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and
- Does not simply give the general location of the critical infrastructure. (18 C.F.R. § 388.113(c)(2)).

The documents contain sensitive information regarding the transmission of energy that could be useful to a person planning an attack on critical infrastructure. Information designated by FERC as CEII under Section 388.113 is exempt from mandatory disclosure under the federal Freedom of Information Act (“FOIA”), and “shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision, or tribal law requiring public disclosure of information or records.” (18 C.F.R. § 388.113(c)(1)). The CEC should similarly 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. The documents also contain trade secrets related to commercially valuable information related to the interconnection of the project. 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 . . . and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Govt. Code § 7924.510(f).) The reports are both non-public documents that include commercially sensitive, transmission planning and cost information that fall within the definitions of “trade secret.” The documents contain 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 could ascertain transmission planning and cost information that may affect bids in competitive solicitations.

