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March 2, 2026

Via Email

Asha Noorullah
Melissa Manke Fimbres
Valero Benicia Refinery
3400 East 2nd Street
Benicia, California 94510
Asha.Noorullah@valero.com

**Application for Confidential Designation
Docket No. 01-AFC-05C**

Dear Asha Noorullah:

The California Energy Commission (CEC) has received Valero Benicia Refinery's (applicant) Application for Confidentiality docketed February 20, 2026 (TN 268729). The application covers the 2025 Mass Emissions Annual Report (Report). The applicant seeks confidentiality for the following sections in the Report:

- Section 1: Mass Emissions and Fuel Use Summary (Heat Input Rate monthly averages)
- Section 6: Fuel Gas Sulfur Content Report

The applicant states that the information contained in Section 1 and Section 6 should be kept confidential and is exempt from disclosure because the information to be protected contains proprietary business information and trade secrets and would otherwise cause a loss of competitive advantage.

Confidentiality Claims

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 [California Energy] Commission to keep the record confidential."

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(k), 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.)

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

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[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.

Executive Director's Determination

The CEC has reviewed and determined the application contains the required information under section 2505(a)(1)(D) to support the applicant's assertion that Section 1 and Section 6 of the 2025 Mass Emissions Annual Report should be exempt from disclosure as a trade secret. The applicant makes a reasonable claim that the law authorizes the CEC to keep the records confidential as required in section 2505(a)(3)(A). As such, confidentiality is granted for Section 1 and Section 6 of the 2025 Mass Emissions Annual Report for a period of five years, the same term as that granted for the 2024 Mass Emissions Annual Report.

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 the 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.

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

Sincerely,



Drew Bohan
Executive Director