

DOCKETED	
Docket Number:	26-SPPE-01
Project Title:	RB Inyokern Data Center (RBIDC)
TN #:	269642
Document Title:	RB Inyokern Data Center - SPPE Application - Application for Confidential Designation - Appendix M
Description:	N/A
Filer:	Kyle Mohr
Organization:	R&L Capital Inc
Submitter Role:	Applicant Representative
Submission Date:	4/25/2026 9:21:58 AM
Docketed Date:	4/27/2026

April 24, 2026

Dockets Unit
California Energy Commission
715 P Street, MS-4
Sacramento, CA 95814
docket@energy.ca.gov

Re: Application for Confidential Designation — Docket No. 26-SPPE-01, RB Inyokern Data Center, Supporting Document Appendix M

Dear Executive Director:

Pursuant to 20 CCR § 2505, R & L Capital, Inc. (“Applicant”) submits this Application for Confidential Designation for Supporting Document Appendix M (75 pages total, including cover and divider sheets), filed concurrently in the above-referenced proceeding. Appendix M contains three subsections: M.1 and M.2 (Confidential Cultural Resources Appendices A and B), which qualify for confidentiality under statutes governing Native American and archaeological site information; and M.3 (Confidential Support Documents), consisting of a Will Serve Letter and a Southern California Edison Method of Service Study that SCE has expressly designated as containing trade secrets and Critical Energy Infrastructure Information.

1. Contact Information (20 CCR § 1208.1)

Applicant: R & L Capital, Inc.
Prepared and submitted by: Kyle Mohr, Authorized Representative
Phone: (760) 264-5760
Email: general@vwconstructionservices.com
Proceeding Name: RB Inyokern Data Center, Application for Small Power Plant Exemption
Docket Number: 26-SPPE-01

2. Title, Date, and Description of Information (20 CCR § 1208.1)

A. Appendix M.1 — Confidential Cultural Resources Appendix A (Records Search Results)

Dated January 20, 2026 and January 26, 2026. Consists of the NAHC Sacred Lands File search response and tribal consultation contact list, the SSJVIC CHRIS records search response (File No. 26-001) identifying 26 cultural resources within the Project area and 42 within a one-mile radius, and associated resource and report database printouts. Compiled by ASM Affiliates, Inc. (Dustin Merrick).

B. Appendix M.2 — Confidential Cultural Resources Appendix B (Records Search Results and DPR Forms)

Dated January 8, 2026 (field recordation). Consists of DPR 523 continuation sheets, sketch maps, and location maps for specifically identified archaeological resources, each marked “Not for Publication” and providing precise UTM coordinates. Prepared by ASM Affiliates, Inc. (R. Azpitarte and M. Medina Lemus).

C. Appendix M.3 — Confidential Support Documents

Consists of two documents. First, the Inyokern Community Services District Will Serve Letter dated April 2, 2026, signed by Holly Gallier, General Manager, containing the District’s preliminary water and sewer service findings, demand and flow estimates, pretreatment requirements, and capacity-fee framework for the Project. Second, the Southern California Edison Method of Service Study dated March 30, 2026, with associated appendices and conceptual drawings, which SCE has marked “Confidential and Proprietary” on every page and expressly designated as containing trade secrets, Critical Energy Infrastructure Information (CEII), and proprietary information that Applicant is required to preserve as confidential.

3. Parts for Which Confidential Designation Is Requested (20 CCR § 2505(a)(1)(B))

Applicant requests confidential designation for Appendices M.1, M.2, and M.3 in their entirety. The protected subject matter permeates each document, and redaction cannot meaningfully separate sensitive from non-sensitive content without rendering the records useless or risking inadvertent partial disclosure.

4. Length of Time Confidentiality Is Requested (20 CCR § 2505(a)(1)(C))

Applicant requests permanent confidential designation for all materials in Appendix M. For Appendices M.1 and M.2, the risk of looting, vandalism, and cultural-resource harm from disclosure does not diminish with time, and the governing statutes impose no sunset. For Appendix M.3, SCE’s trade secret and CEII designations are permanent by their nature, and the Will Serve Letter contains commercial terms whose sensitivity persists through project development.

5. Statutory Basis for Confidential Treatment (20 CCR § 2505(a)(1)(D))

A. Appendices M.1 and M.2 — Cultural Resources Records

The cultural resources records are exempt from disclosure under Government Code § 6254.10 (archaeological site information), Government Code § 7927.000 (Native American places and sacred sites), and Public Resources Code § 21082.3(c) (tribal cultural resources consultation information). The CEC’s own regulations, 20 CCR § 2505(a)(5), provide automatic confidentiality for these categories of data. The SSJVIC’s transmittal letter itself states that its disclosure of CHRIS records “does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act,” and every DPR 523 form in Appendix M.2 is marked “Not for Publication.”

B. Appendix M.3 — Will Serve Letter and SCE Method of Service Study

Appendix M.3 is exempt from disclosure under Evidence Code § 1060 (trade secret privilege), Government Code § 7924.110 (commercial or financial information causing competitive injury), and Government Code § 7929.210 (utility-system security information). SCE has expressly classified the Method of Service Study as containing trade secret, CEII, and proprietary information on every page and contractually requires Applicant to preserve its confidentiality. The Will Serve Letter contains commercially negotiated utility service terms that Applicant and the Inyokern CSD have treated as non-public.

6. Trade Secret / Competitive Advantage (20 CCR § 2505(a)(1)(D))

This item applies principally to Appendix M.3.

- (a) Nature of the advantage. The SCE Method of Service Study reflects SCE’s proprietary engineering analysis and non-public system-planning information for a new customer-dedicated 115 kV substation and associated facilities. The Will Serve Letter reflects non-public terms negotiated with the Inyokern CSD.
- (b) How the advantage would be lost. Public disclosure would reveal SCE trade secrets and CEII regarding the 115 kV Kramer Subtransmission System, expose Applicant’s negotiating position with utility counterparties, and permit competing developers to exploit non-public Project parameters.
- (c) Value. Both documents are foundational to Applicant’s demonstration of utility availability and interconnection feasibility for a 99 MW data center; their confidentiality materially affects financing, contracting, and construction on commercially reasonable terms.
- (d) Difficulty of legitimate acquisition. Neither document can be produced by third parties without the cooperation of SCE or the CSD respectively, and neither is otherwise publicly available.

7. Aggregation or Masking (20 CCR § 2505(a)(1)(E))

Appendix M cannot be meaningfully disclosed in aggregated or masked form. The protected material — site locations and UTM coordinates, tribal consultation records, utility service terms, and SCE system diagrams and route maps — is the substance of each document. Public Resources Code § 21082.3(c) further requires tribal written consent before release of tribal cultural resource information, which has not been sought or obtained for public disclosure.

8. Applicant’s Handling and Prior Disclosure (20 CCR § 2505(a)(1)(F))

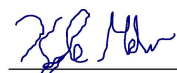
Applicant treats all materials in Appendix M as confidential, with access limited to authorized personnel, counsel, and retained consultants with a need to know. Appendices M.1 and M.2 were prepared by Applicant’s cultural resources consultant (ASM Affiliates, Inc.) using non-public records from the NAHC and SSJVIC, both of which operate under statutory non-disclosure regimes; any disclosures to consulting tribes under AB 52 are themselves statutorily protected. Appendix M.3 was exchanged between Applicant and the issuing entities (Inyokern CSD and SCE), both of which treat the documents as non-public. No disclosure has been made that would waive the statutory protections asserted in this Application.

9. Entity and Authorization (20 CCR § 2505(a)(1)(G))

R & L Capital, Inc. is a corporation, and the undersigned is authorized to submit this application on its behalf.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge.

Respectfully submitted,



Kyle Mohr
Authorized Representative
R & L Capital, Inc.

(760) 264-5760

general@vwconstructionservices.com

Enclosures (filed concurrently as confidential documents as Supporting Document Appendix M):

1. Appendix M.1 — Confidential Cultural Resources Appendix A (Records Search Results).
2. Appendix M.2 — Confidential Cultural Resources Appendix B (Records Search Results and DPR Forms).
3. Appendix M.3 — Confidential Support Documents (Inyokern CSD Will Serve Letter dated April 2, 2026; SCE Method of Service Study dated March 30, 2026).