

**DOCKETED**

<b>Docket Number:</b>	24-OPT-04
<b>Project Title:</b>	Potentia-Viridi Battery Energy Storage System
<b>TN #:</b>	269878
<b>Document Title:</b>	CECs Response Letter to Potentia-Viridi CBA App for Confidentiality
<b>Description:</b>	N/A
<b>Filer:</b>	Kasey Sinclair
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Energy Commission
<b>Submission Date:</b>	5/7/2026 12:40:58 PM
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May 7, 2026

**Via Email**

John Woody  
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**Application for Confidential Designation: Community Benefits Agreement between Tri-Valley Haven for Women and Levy Alameda, LLC  
Docket No. 24-OPT-04**

Dear Mr. Woody:

The California Energy Commission (CEC) has received an Application for Confidentiality from Levy Alameda, LLC (Applicant), docketed April 22, 2026, (TN 269555) covering the following records:

- Community Benefits Agreement between Levy Alameda, LLC, and Tri-Valley Haven for Women, dated October 13, 2025.

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 Community Benefits Agreement (CBA) should be designated confidential because under Government Code section 7922.00 the public interest served by not making the record public clearly outweighs the public interest served by its disclosure. The applicant states the redacted portions of the Community Benefits Agreement contain proprietary information related to the parties' negotiations regarding community benefits. The application asserts that the monetary amounts in the agreement constitute commercially sensitive and valuable information that the parties have agreed should be kept confidential, as evidenced by the confidentiality provision of the Community Benefits Agreement. The application states that maintaining the confidentiality of the redacted information aligns with the public interest in that it fosters discussions and negotiations regarding charitable agreements.

Additionally, the application seeks to keep confidential the names and contact information of the individuals that will receive notice under section 10 of the CBA agreement. The

application states that Government Code section 7927.400 et seq. generally allows for the withholding of personal information and supports the redaction of contact information in the Agreement. Further, the application states that Government Code section 7922.000 supports confidentiality of the contact information of the designated individuals. The application states that disclosure of contact information serves no public interest, while redaction protects important privacy rights.

### **Executive Director's Determination**

The Applicant has not made a reasonable claim that the above-mentioned monetary amounts listed in the Community Benefits Agreement should be maintained as confidential indefinitely. The public interest in transparency surrounding the fiscal benefits of a proposed project outweighs the public interest served by granting confidentiality. Nondisclosure of monetary payments will limit the public's ability to fully assess how an Opt-In project will benefit the community. By shielding the dollar amounts offered to a community-based organization, the public will not have all relevant information when evaluating a project's full impacts and benefits to their community and state. As such, the Applicant's request for confidential designation of the monetary amounts in the document listed above is not granted. This determination is consistent with other Community Benefits Agreements submitted under the Opt-In program, which have not been redacted.

As to the contact information of individuals designated for notice under the agreement, the privacy interest in keeping confidential personal information is outweighed by the public's interest in transparency regarding the individuals granted notice under a CBA agreement. We note that a work email address does not raise the same privacy concerns as would a home telephone number or a home address. (See, e.g., Cal. Civ. Code § 1798.3, subd. (a).) For these reasons, confidentiality is also denied as to the names and contact information listed under section 10 of the CBA agreement.

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.

If you have questions, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director