

DOCKETED	
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Project Title:	RB Inyokern Data Center (RBIDC)
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Document Title:	CEC Response to RB Inyokern Data Center Application for Confidential Designation
Description:	TN269642
Filer:	Christina Adkins
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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May 15, 2026

Via Email

Kyle Mohr
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**Application for Confidential Designation
Docket No. 26-SPPE-01**

Dear Kyle Mohr:

The California Energy Commission (CEC) has received RB Inyokern Data Center's (applicant) Application for Confidentiality, docketed April 27, 2026 (TN 269642). The application covers the following documents:

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

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 M.1 and Appendix M.2, Cultural Resource Documents:

The applicant describes Appendix M.1 as comprising an NAHC Sacred Lands File search response and tribal consultation contact list, an SSNIC CHRIS records search response (File No. 26-001) identifying cultural resources within the Project area, and associated resource and report database printouts, dated January 20 and January 26, 2026. The applicant describes Appendix M.2 as comprising DPR 523 continuation sheets, sketch maps, and location maps for specifically identified archaeological resources, each marked "Not for Publication" and providing precise UTM coordinates, field recordation January 8, 2026.

The applicant contends confidentiality is appropriate under former Government Code section 6254.10 (now 7927.005) (archaeological site information), Government Code section 7927.000 (Native American places and sacred sites),

Public Resources Code section 21082.3(c) (tribal cultural resources consultation information), and California Code of Regulations, title 20, section 2505(a)(5).

The applicant states that these documents should be kept confidential indefinitely because the risk of looting, vandalism, and cultural-resource harm from disclosure does not diminish with time. The applicant states that the documents should be confidential in their entirety and masking is not appropriate because the protected matter permeates the documents so that any disclosure would be useless and risk improper partial disclosure. The applicant states no disclosure has been made that would waive the statutory protections asserted in this application.

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 applicant has 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 Appendix M.1 and Appendix M.2 is granted.

Appendix M.3, Support Documents:

The applicant describes Appendix M.3 as the Inyokern will-serve letter, dated April 2, 2026, and the Southern California Edison (SCE) Method of Service Study dated March 30, 2026, with associated appendices and conceptual drawings. The will-serve letter contains preliminary water and sewer service findings, demand and flow estimates, pretreatment requirements, and capacity-fee framework for the Project. The SCE Method of Service Study is marked by SCE as "Confidential and Proprietary" on every page and expressly designated as containing trade secrets, Critical Energy Infrastructure Information (CEII), and proprietary information, which applicant contends requires it to preserve as confidential.

The applicant contends confidentiality is appropriate under Evidence Code section 1060 (trade secret privilege), Government Code section 7924.110 (commercial or financial information causing competitive injury), and Government Code section 7929.210 (utility-system security information). Applicant claims the Method of Service Study contains protected Critical Energy Infrastructure Information (CEII). Moreover, the applicant contends that the will-serve letter contains commercially negotiated utility service terms.

The applicant states that these documents should be kept confidential indefinitely because CEII designations are permanent by their nature, and the will-serve letter contains commercial terms whose sensitivity persists through project development. The applicant states these documents should be confidential in

their entirety and masking is not appropriate because the protected matter permeates the documents so that any partial disclosure would be useless and risk improperly disclosing confidential information. The applicant states no disclosure has been made that would waive the statutory protections asserted in this application.

Executive Director's Determination

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 CEC has reviewed the application and determined that it contains the required information under section 2505(a)(1)(D) to support the applicant's assertion that the Method of Service Study should be exempt from disclosure as a trade secret and CEII (see 6 U.S.C., § 650). The applicant makes a reasonable claim that the law authorizes the CEC to keep the Method of Service Study records confidential as required in section 2505(a)(3)(A).

However, the will-serve letter is not a trade secret because the applicant has not made reasonable efforts to maintain its secrecy. The will-serve letter is publicly available online. Under these circumstances, the confidentiality of the will-serve letter is not appropriate under section 2505(a)(3)(A). As such, confidentiality is granted for the Method of Service Study of Appendix M.3 indefinitely, but confidentiality is not granted for the will-serve letter.

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

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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,

A handwritten signature in dark ink, appearing to be 'Drew Bohan', with a stylized, cursive-like flow.

DB

Drew Bohan
Executive Director