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VIA DOCKET UNIT E-FILING SYSTEM

California Energy Commission
715 P. Street
Sacramento, CA 95814

Re: Seahawk BESS Project: Application for Confidential Designation for Opt-In Application

To whom it may concern:

Pursuant to Sections 2505 *et seq.* of Title 20 of the California Code of Regulations ("CCR"), we hereby submit on behalf of Sequoia Energy Storage 1, LLC ("Applicant") this Application for Confidential Designation for the following materials submitted in support of the Applicant's opt-in application for the Seahawk Battery Energy Storage System project ("Project"), based on the information provided below:

Applicant: Sequoia Energy Storage 1, LLC

Address: 90 Minto Road, Watsonville CA

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

The following materials submitted in support of the Seahawk Battery Energy Storage System project opt-in application:

- Appendix 1A: Property owner/addresses table
- Section 3.3: Cultural report
- Appendix 3.8A: Paleontological records search results
- Appendix 3.5D: Phase II Environmental Site Assessment (ESA)
- Appendix 3.5E: Contaminated Soil Mitigation Study
- Appendix 3.16A: UL 9540A test results
- Appendix 2E: Large Generator Interconnection Agreement (LGIA)

1(b). Specify the part(s) of the record for which you request confidential designation.

The documents referenced in 1(a) in their entirety.

2. State and justify the length of time the Commission should keep the record confidential.

Appendix 1A:

All documents associated with Appendix 1A should be kept confidential indefinitely. This length of time is needed to ensure the perpetual protection of personal information under various provisions of the California Public Records Act ("PRA") (Gov. Code, § 7920.000 *et seq.*).¹ If such names and addresses are released to the public domain, there is the potential for fraudulent use or abuse of such personal information.

Section 3.3 and Appendix 3.8A:

All documents associated with Section 3.3 and Appendix 3.8A should be kept confidential indefinitely. If locations of protected cultural resources and sites are released to the public domain, there is the potential for looting and/or destruction of these state and federally protected resources and sites.

Appendices 3.5D and 3.5E:

All documents associated with Appendices 3.5D and 3.5E should be kept confidential indefinitely as disclosure of the information contained in these reports including specific localized and uncontextualized chemical concentration data, Applicant's trade secrets and commercially sensitive information and subsurface geological and geophysical data would cause substantial competitive and economic harm and compromise the safety and physical security of the proposed energy infrastructure.

Appendix 3.16A:

All documents associated with Appendix 3.16A should be kept confidential indefinitely to preserve confidentiality of the Applicant's trade secrets and commercially sensitive information related to the manufacturer's battery energy storage system and equipment; prevent loss of competitive advantage to the Applicant from disclosure of its trade secrets and commercially sensitive information and protect energy infrastructure from vandalism, terrorism, or other bad acts.

Appendix 2E:

All documents associated with Appendix 2E should be kept confidential indefinitely unless approved for public release by CAISO. This length of time is needed to ensure that Sequoia Energy Storage 1, LLC is not in violation of any of its nondisclosure agreements with its commercial partners and to ensure Sequoia Energy Storage 1, LLC's detailed construction cost information remains secure from market participants who could otherwise make competitive use of this information to the detriment of Sequoia Energy Storage 1, LLC and its current or future negotiations with counterparties.

¹ Unless otherwise specified, all future uncited references are to the Government Code.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

Appendix 1A:

Names and addresses are considered “personal information” under the PRA. Personal information is protected from disclosure by various provisions of the PRA, including, but not limited to, Sections 7927.105(a)(1), 7927.400, 7927.405, 7927.410, 7927.425(b).

Section 3.3 and Appendix 3.8A:

Section 3.3 and Appendix 3.8A identified above specifically identify areas of potential cultural and historical significance. They are thus protected under PRA Sections 7927.300 and 7927.705. Protection provided is analogous to that given to Native American sacred places under Section 7927.000 of the Government Code.

Appendices 3.5D and 3.5E:

The information contained in Appendices 3.5D and 3.5E qualify for confidential treatment under the PRA and California evidentiary privileges, specifically :

Trade Secrets and Proprietary Commercial Data (Gov. Code §§ 7927.605(a), 7927.705, Evidence Code § 1060, and Civil Code § 3426.1(d)): Under 20 CCR § 2505(a)(1)(D), “[i]f the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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.” Such trade secrets may include “any formula, plan, . . . process, tool, mechanism, . . . procedure, 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 having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.”

The raw laboratory chemical assay tables, specific contaminant plume dimensions, and subsurface geological profiling contained in the confidential Appendices represent proprietary site characterization insights. This specialized technical intelligence was compiled entirely at substantial private expense by our retained environmental engineering consultants. Public disclosure would allow market competitors to exploit this detailed physical site data for their own real estate acquisitions or competitive strategies without incurring the associated development costs, causing severe commercial disadvantage to the Applicant.

The information could not be legitimately acquired or duplicated by others. This information has been kept confidential by Sequoia Energy Storage 1, LLC and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC under confidentiality agreements or duties of confidentiality.

Subsurface Geological/ Geophysical Data (Gov. Code § 7927.300): The confidential Appendices contain subsurface geological and geophysical data and similar information relating to development of the proposed energy facility and are retained in confidence as described herein.

Protection of Financial Negotiations and Real Estate Value (Gov. Code § 7922.000 - Public Interest Balancing Test): The confidential Appendices detail subsurface conditions that directly impact the ongoing valuation, liability allocation, and structural engineering of the property. Public release of localized, uncontextualized chemical concentration data would cause artificial real estate market distortions, devalue the private asset, and disrupt commercial transactions. The public interest in encouraging open regulatory compliance and thorough environmental testing far outweighs the public interest in immediate, uncontextualized disclosure of private laboratory data.

Critical Infrastructure & Site Security (Gov. Code § 7929.200): The Appendices identify specific subsurface utilities, boring coordinates, and localized hazard concentrations. Disclosing exact geographic locations of subsurface vulnerabilities compromises the safety and physical security of the proposed energy infrastructure.

Appendix 3.16A:

Appendix 3.16A should be granted confidentiality under the PRA, referencing Government Code sections 7927.605(a), 7927.705, Evidence Code section 1060, and Civil Code section 3426.1(d). The PRA 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, 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.) Additionally, the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure. (Gov. Code, § 7922.000.) It is in the public's interest to keep this information confidential to protect public safety and security.

Under 20 CCR § 2505(a)(1)(D), “[i]f the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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.” Such trade secrets may include “any formula, plan, . . . process, tool, mechanism, . . . procedure, 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 having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.”

With respect to battery manufacturers, the UL9540A reports are trade secrets because they contain confidential test results with proprietary information about the manufacture and performance of their respective battery products. This information is not known by competitors and cannot be readily ascertained or reverse engineered. Additionally, the reports contain the identities of the battery products that Sequoia Energy Storage 1, LLC is considering for the project. Battery manufacturers do not know the identities of the products that Sequoia Energy Storage 1, LLC is considering. The existence, status, and

substance of contract negotiations is a trade secret under Civil Code, section 3426.1(d). (*Competitive Technologies v. Fujitsu Ltd.*, 286 F. Supp. 2d 1118,1147 (2003).)

The UL9540A Reports contain trade secrets of Sequoia Energy Storage 1, LLC and battery manufacturers. Disclosing the information in the document would reveal to the public and Sequoia Energy Storage 1, LLC's potential commercial partners and industry competitors which equipment Sequoia Energy Storage 1, LLC may use for its project as well as proprietary information about such equipment. Sequoia Energy Storage 1, LLC has a competitive advantage in that this information is not known and cannot be legitimately acquired by other parties, including counterparties with whom it is negotiating and industry competitors. Disclosure of such information would put Sequoia Energy Storage 1, LLC at a significant market disadvantage, compromise Sequoia Energy Storage 1, LLC's position during contract negotiations, and provide an advantage to industry competitors and potential commercial partners. Disclosure of such information also could put Sequoia Energy Storage 1, LLC at risk of violating its obligations under non-disclosure/confidentiality agreements with the equipment manufacturer(s) who provided such information to Sequoia Energy Storage 1, LLC.

Engineering information has independent economic value from not being generally known to the public or applicant's competitors who can obtain economic value from its disclosure. In addition, revealing the names of the battery products that Sequoia Energy Storage 1, LLC is considering will provide a competitive advantage to other battery manufacturers with whom Sequoia Energy Storage 1, LLC may negotiate.

The information could not be legitimately acquired or duplicated by others. This information has been kept confidential by Sequoia Energy Storage 1, LLC and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC under confidentiality agreements or duties of confidentiality. Sequoia Energy Storage 1, LLC understands that other battery manufacturers take efforts to maintain secrecy of the reports by requiring buyers to sign confidentiality or nondisclosure agreements. Sequoia Energy Storage 1, LLC is obligated to keep this information confidential pursuant to non-disclosure/confidentiality agreements with the battery energy storage system manufacturers who provided this information to Sequoia Energy Storage 1, LLC.

Appendix 2E:

Under 20 CCR § 2505(a)(1)(D), "[i]f the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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." Such trade secrets may include "any formula, plan, . . . process, tool, mechanism, . . . procedure, 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 having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it."

Disclosure of Appendix 2E identified above would create a significant market disadvantage for Sequoia Energy Storage 1, LLC, compromise Sequoia Energy Storage 1, LLC's bargaining position during contract negotiations, provide competitors an advantage, and compromise Sequoia Energy Storage 1, LLC's competitive position in the CAISO power market through the disclosure of trade secrets. This Appendix contains commercially sensitive information on the estimated and forecasted capital costs for the Project and its many components, including cost information for: BESS, step-up substation, gen-tie, utility switchyard, and other related costs. Additionally, such disclosure and corresponding market disadvantage may result in higher energy prices for consumers.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also 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.

It is in the public interest to have nondisclosure of the documents referenced in 1(a) to ensure that 20 CCR § 2505 is lawfully upheld.

Appendix 1A:

It is in the public interest to protect the information in Appendix 1A from public disclosure to ensure the protection of personal information, preventing the potential abuse of such information. Disclosure would also violate the privacy rights of those not otherwise involved in the Project.

Section 3.3 and Appendix 3.8A:

The public interest will be served by protecting the information in Section 3.3 and Appendix 3.8A from disclosure to prevent potential harm to, or destruction or looting of, the cultural resources and sites described in these confidential Appendices. Such harm or destruction/looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

Appendices 3.5D and 3.5E:

The public interest in encouraging regulatory compliance and thorough environmental testing far outweighs the public interest in immediate, uncontextualized disclosure of private laboratory data. Public release of localized, uncontextualized chemical concentration data would cause artificial real estate market distortions, devalue the private asset, and disrupt commercial transactions. Further, public disclosure would allow market competitors to exploit this detailed physical site data for their own real estate acquisitions or competitive strategies without incurring the associated development costs, causing severe commercial disadvantage to the Applicant. The information could not be legitimately acquired or duplicated by others. This information has been kept confidential by Sequoia Energy Storage 1, LLC and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC under confidentiality agreements or duties of confidentiality. Moreover, disclosing exact geographic locations of subsurface vulnerabilities compromises the safety and physical security of the proposed energy infrastructure.

Appendix 3.16A:

It is in the public interest to protect the information in Appendix 3.16A from public disclosure to ensure industry competitiveness and trade secrets are maintained, therefore maintaining the competitiveness of the CAISO power market and keeping consumer energy prices at competitive levels.

Disclosing the information in the document would reveal to the public and Sequoia Energy Storage 1, LLC's potential commercial partners and industry competitors which equipment Sequoia Energy Storage 1, LLC may use for its project as well as proprietary information about such equipment. Sequoia Energy Storage 1, LLC has a competitive advantage in that this information is not known and cannot be legitimately acquired by other parties, including counterparties with whom it is negotiating and industry competitors. Disclosure of such information would put Sequoia Energy Storage 1, LLC at a significant market disadvantage, compromise Sequoia Energy Storage 1, LLC's position during contract negotiations, and provide an advantage to industry competitors and potential commercial partners. Disclosure of such information also could put Sequoia Energy Storage 1, LLC at risk of violating its obligations under non-disclosure/confidentiality agreements with the equipment manufacturer(s) who provided such information to Sequoia Energy Storage 1, LLC.

Engineering information has independent economic value from not being generally known to the public or applicant's competitors who can obtain economic value from its disclosure. In addition, revealing the names of the battery products that Sequoia Energy Storage 1, LLC is considering will provide a competitive advantage to other battery manufacturers with whom Sequoia Energy Storage 1, LLC may negotiate.

The information could not be legitimately acquired or duplicated by others. This information has been kept confidential by Sequoia Energy Storage 1, LLC and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC under confidentiality agreements or duties of confidentiality. Sequoia Energy Storage 1, LLC understands that other battery manufacturers take efforts to maintain secrecy of the reports by requiring buyers to sign confidentiality or nondisclosure agreements. Sequoia Energy Storage 1, LLC is obligated to keep this information confidential pursuant to non-disclosure/confidentiality agreements with the battery energy storage system manufacturers who provided this information to Sequoia Energy Storage 1, LLC.

Additionally, it is within the public interest to protect energy infrastructure from vandalism, terrorism, or other bad acts; therefore, it is in the public interest to keep this information confidential to protect public safety and security.

Appendix 2E:

It is in the public interest to protect the information in Appendix 2E from public disclosure to ensure industry competitiveness and trade secrets are maintained, therefore maintaining the competitiveness of the CAISO power market and keeping consumer energy prices at competitive levels. The LGIA contains information regarding timing and costs associated with interconnection applicable to the Project that is confidential between CAISO and the Interconnection Customer, constituting a trade secret due to the private

and confidential nature of agreement(s) between the two parties. This information, including estimated costs and completion timing, directly impacts Sequoia Energy Storage 1, LLC's forecasted economic standing and could be detrimental to the Project if external competitors were able to gain this information. Public disclosure of this information would negatively impact Sequoia Energy Storage 1, LLC's competitive ability to negotiate with third parties on an ongoing basis given the confidential pricing and timing that has been secured and reflected in our estimates and forecasts. Industry competitors would be able to utilize this information to further their own negotiations with third parties with our data as leverage, enhancing their competitiveness and therefore negatively impacting Sequoia Energy Storage 1, LLC.

Additionally, disclosure of the information contained in Appendix 2E would enable counterparties to reverse-engineer expected returns, capital cost components, and other key details of the Project that would lessen Sequoia Energy Storage 1, LLC's negotiating power. If counterparties were internally estimating a materially different amount than what is disclosed, this information would impact and inform their negotiation strategy going forward. Competitors could also leverage this information to secure more favorable agreements for themselves by leveraging the results that Sequoia Energy Storage 1, LLC has achieved, further harming Sequoia Energy Storage 1, LLC's competitive advantage in the renewable energy development industry given the commercial terms already achieved privately. Disclosing these trade secrets and commercially sensitive data would lead to Sequoia Energy Storage 1, LLC's loss of a competitive advantage.

The information set forth in Appendix 2E could not be legitimately acquired or duplicated by others. Sequoia Energy Storage 1, LLC's Project cost figures have been carefully assembled, leveraging myriad internal resources, including commercial partnerships, existing agreements, proprietary in-house knowledge, and prior project experience. This information is not publicly available and has not been disclosed to anyone other than employees, attorneys or consultants working with Sequoia Energy Storage 1, LLC, and only once such parties have executed confidentiality agreements, because Sequoia Energy Storage 1, LLC considers such information to be commercially sensitive, proprietary information, and trade secrets. Sequoia Energy Storage 1, LLC has taken reasonable steps to preserve the confidentiality of this information.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

Appendix 1A:

The information disclosed in the confidential Appendix 1A cannot be disclosed even if aggregated or masked due to its personal nature. The location of the Project has been disclosed in the Opt-In Application and thus the surrounding area will be reasonably ascertainable to the extent such information will assist CEC staff when performing their review and analysis. But the specific information contained in Appendix 1A regarding owner names and addresses must remain confidential to protect the privacy rights of those owners.

Section 3.3 and Appendix 3.8A:

The information disclosed in the confidential Section 3.3 and Appendix 3.8A contain confidential information relating to specific cultural resources and sites. The confidential information cannot practically be aggregated or masked without potentially hindering CEC staff when performing their review and analysis.

Appendices 3.5D and 3.5E:

Masking or aggregating this data is infeasible because the primary technical utility of an ESA relies on its site-specific precision. Redacting or aggregating data would render the regulatory submission completely illegible and prevent the CEC technical staff from properly evaluating the project's environmental integrity. However, relevant information is discussed in Section 3.5.

Appendix 3.16A:

The opt-in application contains significant documentation of compliance of the proposed project with applicable standards; however, all of the information in Appendix 3.16A is confidential and cannot practically be aggregated or masked without potentially hindering CEC staff when performing their review and analysis.

Appendix 2E:

The information disclosed in the confidential Appendix 2E cannot be disclosed even if aggregated or masked due to the nature of capital costs. Any and all details pertaining to capital cost are considered a trade secret and a significant component of Sequoia Energy Storage 1, LLC's competitive advantage in the industry. Additionally, the information contained in this Appendix cannot be disclosed even if aggregated or masked due to the existence of the confidentiality agreements under which this information was collected.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

Appendix 1A:

The information contained within the confidential Appendix 1A has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC and under confidentiality agreements.

Section 3.3 and Appendix 3.8A:

The information contained within the confidential Section 3.3 and Appendix 3.8A has not been disclosed in a Project-specific context to any parties beyond Sequoia Energy Storage 1, LLC's employees, attorneys, or consultants working on behalf of Sequoia Energy Storage 1, LLC and who are directly associated with the proposed Project and under confidentiality agreements.

Appendices 3.5D and 3.5E:

This information has been kept confidential by Sequoia Energy Storage 1, LLC and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC under confidentiality agreements or duties of confidentiality.

Appendix 3.16A:

This information has been kept confidential by Sequoia Energy Storage 1, LLC and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC under confidentiality agreements or duties of confidentiality. Sequoia Energy Storage 1, LLC understands that other battery manufacturers take efforts to maintain secrecy of the reports by requiring buyers to sign confidentiality or nondisclosure agreements. Sequoia Energy Storage 1, LLC is obligated to keep this information confidential pursuant to non-disclosure/confidentiality agreements with the battery energy storage system manufacturers who provided this information to Sequoia Energy Storage 1, LLC.

Appendix 2E:

The information contained within the confidential Appendix 2E has not been disclosed to any person other than an employee, attorney, or consultant working on behalf of Sequoia Energy Storage 1, LLC and under confidentiality agreements.

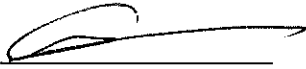
Please see the attached certification in as required by 20 CCR § 2505. Please contact the undersigned should you have any questions or require further information.

Sincerely,

Brooke Miller
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Certification

Pursuant to 20 CCR § 2505, as an officer authorized to make this application on behalf of Sequoia Energy Storage 1, LLC, 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.

By: 

Name: Andrew Reed

Title: EVP of Project Development

Date: 5/26/26