

DOCKETED	
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July 2, 2026

Via Email

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**Application for Confidential Designation
Docket No. 26-OPT-01**

Dear Adam Morrison:

The California Energy Commission (CEC) has received the two Applications for Confidentiality filed by Vaca Dixon BESS LLC and Arges BESS LLC (applicants), filed June 11, 2026 (TN 270543 and TN 270575). Both applications state that they cover the following documents:

- Vaca Dixon Power Center Project Cultural Resources Technical Report, Solano County, California (2026) (submitted with TN 270543, 94 pages), and the following appendices:
 - Appendix A, Combined CHRIS Reports and Resources (submitted with TN 270543, 10,740 pages)
 - Appendix B, Sacred Lands File Request and Results (submitted with TN 270575, 3 pages)
 - Appendix C, Department of Parks and Recreation Forms (submitted with TN 270575, two documents totaling 222 pages)
 - Appendix D, Cultural Resources Inventory Report for the Corby Battery Energy Storage System Project in Solano County, California 2025 (submitted with TN 270575, three documents totaling 542 pages)

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.”

Here, the applicants contend the report, including its accompanying appendices, should be kept confidential indefinitely, in its entirety, to protect potential cultural resources and sites. The applicants assert that if the descriptions of the locations of the sites are released to the public domain, there is potential for looting and destruction of the cultural resources and sites described. The applicants state this could additionally impact scientific study of the sites and resources. For

these reasons, the applicants state the public interest will be served by nondisclosure.

The information contained within the report and appendices has not been disclosed by the consultant to any parties beyond the applicants' staff who are directly associated with the proposed project. However, the applicants acknowledge that the information in the report has been aggregated and summarized in the Cultural Resources section of the Supplemental Petition for Post-Certification Amendment application for the project.

The applicant's assertion of confidentiality is appropriate under former Government Code sections 6254(e), 6254(k), and 6254(r). Presumably, applicants are referring to the corresponding provisions of the Public Records Act now codified at Government Code sections 7927.000, 7927.005, and 7927.705. Going forward, applicants are expected to cite the current Government Code sections in all filings. For reference, the California Law Revision Commission has published a disposition table mapping former to current sections, available at <https://clrc.ca.gov/pub/Printed-Reports/Pub241-G400-Disposition.pdf>. The CEC makes no representation as to the accuracy or completeness of that resource, and applicants bear the responsibility of ensuring all legal citations are correct.

Executive Director's Determination

The applicants have made a reasonable showing that all the historic and cultural records filed on June 11, 2026, in conjunction with confidentiality applications TN 270543 and TN 270575, should be maintained as confidential indefinitely. The California Public Records Act provides for the nondisclosure of archaeological site information and records of Native American places, features, and objects and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency. (Gov. Code, §§ 7927.000, 7927.005.)

The California Public Records Act also recognizes the confidentiality of records protected under other laws, including the principles of federal law. (Gov. Code § 7927.705; see e.g., 54 U.S.C., § 306131; 16 U.S.C., §§ 470aa–470mm.) Moreover, Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure.

The applicants make a reasonable claim that the law authorizes the CEC to maintain the confidentiality of the records as required in section 2505(a)(3)(A). Accordingly, confidentiality is granted for the records indefinitely.

Be advised that persons may petition to inspect or copy records that have been designated as confidential. In certain circumstances, the executive director may disclose, or release records previously designated as confidential, and the CEC

Adam Morrison
July 2, 2026
Page 3

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 black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director