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Description:	TNs 270287, 270288, 270289, 270290, 270791, and 270792)
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Via Email

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**Application for Confidential Designation: Seahawk Battery Energy Storage System
Docket No. 26-OPT-02**

Dear Brooke Miller:

The California Energy Commission (CEC) has received six Applications for Confidentiality from Sequoia Energy Storage 1, LLC (applicant) for the Seahawk Battery Energy Storage System, docketed May 27, 2026 (TNs 270287, 270288, 270289, 270290, 270791, and 270792)¹ covering the following records:

- Appendix 1 A: 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)

The applicant is requesting that the entirety of each of the documents listed above be granted confidentiality indefinitely.

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 1 A: Property owner/addresses table

¹ The docket for the Opt-In Certification discloses that there are a total of six applications for confidentiality (TNs 270287, 270288, 270289, 270290, 270791, and 270792). However, it appears that each of these separate filings are duplicative. Therefore, this response covers all such Applications for Confidentiality.

The applicant seeks to keep confidential the names and addresses of the property owners near the project site. The applicant asserts that it is in the public interest to protect the information in Appendix 1 A from public disclosure to ensure the protection of personal information, preventing the potential abuse of such information. The applicant also argues that disclosure would violate the privacy rights of those not otherwise involved in the Project. The applicant argues that the information may be deemed confidential pursuant to Government Code sections 7927.105(a)(1), 7927.400, 7927.405, 7927.410, and 7927.425(b).

Santa Cruz County hosts a webpage in which one can obtain information about a property located within the county including the assessor's parcel number, property tax information, a satellite image of the site, and the physical address of the property.

Government Code section 7927.700 is applicable. In relevant part, it states:

[T]his division does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Section 7927.700 gives personal privacy considerations their own express exemption from the Public Records Act, conditioned on a showing by those opposing disclosure that the records are "personnel, medical, or similar files" and that their release "would constitute an unwarranted invasion of personal privacy."

Executive Director's Determination

The applicant has made a reasonable claim that individual names associated with the addresses should be maintained as confidential indefinitely. As such, and consistent with the information that is accessible through the Santa Cruz County Assessor's Office, the applicant's request for confidential designation for the individual names is granted. Confidential designation is denied for all other information contained in the record including the assessor's parcel numbers, identification of company or public agency property owners, and addresses. Please docket Appendix 1A with individual names redacted in the proceeding's docket within 14 days of receipt of this letter.

Section 3.3: Cultural report and Appendix 3.8A: Paleontological records search results

The applicant seeks confidentiality for Section 3.3 and Appendix 3.8A that disclose areas of the proposed project site that may contain historic and cultural resources. The applicant asserts that disclosure of this information would be detrimental to the public interest in order to prevent potential harm to, or destruction or looting of, the cultural and historic 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. The applicant relies on Government Code sections 7927.300 and 7927.705., comparing these sections to the protections of Native American sacred places under Government Code section 7927.000.

California 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 public interest in nondisclosure outweighs that of disclosure, as disclosure may reveal the location of sensitive paleontological resources to entities conducting unauthorized collection or disturbance of such resources.

In addition to the public interest basis set forth in the application, the Paleontological Resources Preservation Act of 2009 provides for the protection of paleontological resources and states that information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under 5 U.S.C. section 552 and any other law (16 U.S.C. § 470aaa-8).

Executive Director's Determination

The applicant has made a reasonable showing that the historic and cultural resource information contained in Section 3.3 and Appendix 3.8A should be maintained as confidential indefinitely. The applicant's request for confidential designation of Section 3.3 and Appendix 3.8A is therefore granted indefinitely.

Appendix 3.5D: Phase II Environmental Site Assessment (ESA) and Appendix 3.5E: Contaminated Soil Mitigation Study

The applicant asserts that Appendix 3.5D and Appendix 3.5E, which relate to subsurface soils testing to determine the nature and extent of any existing contamination, should be designated as confidential. The applicant asserts that disclosure of the information contained in these reports could cause competitive and economic harm, and that 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." The applicant relies on Government Code sections 7922.000, 7927.300, 7927.605(a), 7927.705, 7929.220; Evidence Code section 1060; and Civil Code section 3426.1(d).

Trade Secrets

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.

Public Interest Balancing Test

A record that does not fall within any express PRA exemption may nonetheless be withheld if the agency can demonstrate "that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." (Gov. Code, § 7922.000 [formerly Gov. Code, § 6255, subd. (a)].)

Executive Director's Determination

The applicant has not made a reasonable claim that Appendix 3.5D the Phase 2 Environmental Site Assessment or Appendix 3.5E the Contaminated Soil Mitigation Study, qualify for confidential designation as a trade secret. The applicant identified the confidential information as including raw laboratory chemical assay tables, contaminant plume dimensions, and subsurface geologic profiling. These materials appear to describe existing environmental and subsurface conditions at the project site. Although the information may be technical, nonpublic, and costly to develop, the application does not reasonably demonstrate that the information derives independent economic value from not being generally known to the public or other persons who could obtain economic value from its disclosure or use. Nor does the application adequately identify the specific nature of any competitive advantage created by maintaining the information as confidential, how that advantage would be lost through disclosure, the value of the information to the applicant, or the ease or difficulty with which the information could be legitimately acquired or duplicated by others, as required by California Code of Regulations, title 20, section 2505(a)(1)(D).

The applicant's public interest arguments are also not sufficient to support withholding Appendices 3.5D and 3.5E under Government Code section 7922.000. Although the applicant asserts that disclosure could affect valuation, liability allocation, structural engineering, commercial transactions, and infrastructure security, these assertions are generalized and speculative. The applicant has not identified facts showing that disclosure of the appendices would cause specific harm that clearly outweighs the public interest in access to the information. Nor has the applicant demonstrated that disclosure would reveal security sensitive information in a manner that would create a particularized risk to the site. Accordingly, the applicant has not established that the public interest served by nondisclosure clearly outweighs the public interest served by disclosure.

Therefore, the request for confidential designation of Appendix 3.5D and Appendix 3.5E is denied. Please docket Appendix 3.5D and Appendix 3.5E in the proceeding's docket within 14 days of receipt of this letter.

Appendix 3.16A: UL 9540A test results

The applicant seeks confidentiality for Appendix 3.16A, arguing that "[i]t 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." The applicant cites Government Code sections 7927.605(a), 7927.705, Evidence Code section 1060, and Civil Code section 3426.1 (d) in support of its request for confidentiality. The applicant further asserts that contract negotiations are a trade secret under Civil Code, section 3426.1(d), citing *Competitive Technologies v. Fujitsu Ltd.* (2003) 286 F.Supp.2d 1118, 1147.

The application states that UL9540A Reports should be designated confidential to preserve confidentiality of the applicant's trade secrets and commercially sensitive information related to the manufacturer's battery energy storage system and equipment. Additionally, the applicant is seeking confidentiality to prevent loss of competitive advantage to the applicant from disclosure of its trade secrets and commercially sensitive information. The applicant also claims the reports should be designated confidential to protect energy infrastructure from vandalism, terrorism, or other bad acts. The application states that the documents should be granted confidentiality under the California Public Records Act, referencing Government Code sections 7927.605(a), 7927.705, Evidence Code section 1060, and Civil Code section 3426.1(d). The application also states that

the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure. (Gov. Code, § 7922.000.)

Trade Secrets

As set forth above, the California Public Records Act allows for the non-disclosure of trade secrets, and California Code of Regulations, title 20, section 2505(a)(1)(D), identifies the information an applicant must provide when seeking confidential designation on that basis.

Executive Director's Determination

The CEC has reviewed and determined the application contains the required information under section 2505(a)(1)(D) to support the applicant's assertion that Appendix 3.16A should be exempt from disclosure as a trade secret. Although the applicant raises additional policy considerations, the determination to grant confidential designation is based on the applicant's trade secret showing. The applicant makes a reasonable claim that the law authorizes CEC to keep the records confidential as required in section 2505(a)(3)(A). As such, confidentiality is granted for Appendix 3.16A indefinitely.

Appendix 2E: Large Generator Interconnection Agreement (LGIA)

The applicant contends it is in the public interest to have the LGIA documents deemed confidential to ensure industry competitiveness and maintain trade secrets, maintaining the competitiveness of the CAISO power market, and keeping consumer energy prices at competitive levels. The applicant quotes California Code of Regulations, title 20, section 2505(a)(1)(D) to support the request for confidentiality.

Trade Secrets

Again, the California Public Records Act allows for the non-disclosure of trade secrets, and California Code of Regulations, title 20, section 2505(a)(1)(D), identifies the information an applicant must provide when seeking confidential designation on that basis.

Executive Director's Determination

The CEC has reviewed and determined the application contains the required information under section 2505(a)(1)(D) to support the applicant's assertion that Appendix 2E should be exempt from disclosure as a trade secret. The applicant makes a reasonable claim that the law authorizes CEC to keep the records confidential as required in section 2505(a)(3)(A). As such, confidentiality is granted for Appendix 2E indefinitely.

You may request that the Commission determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the Commission will conduct a proceeding under the provisions in California Code of Regulations, title 20, section 2508.

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 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 California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following procedures set forth in California Code of Regulations, title 20, section 2505(a)(4). Please email confidentialapplication@energy.ca.gov for further information.

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

Sincerely,
Drew Bohan
Executive Director