

DOCKETED	
Docket Number:	26-OPT-02
Project Title:	Seahawk Battery Energy Storage System
TN #:	271939
Document Title:	California Energy Commission Decision on Seahawk Petition
Description:	N/A
Filer:	Christina Adkins
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/10/2026 4:39:35 PM
Docketed Date:	8/10/2026



August 10, 2026

Via Email

Becky Steinbruner
ki6tkb@yahoo.com

**RE: Decision on Petition to Inspect Confidential Records
Docket No. 26-OPT-02**

Dear Ms. Steinbruner,

The California Energy Commission (CEC) received your Petition to Inspect Confidential Records (TN 271508 and 271509) on July 17, 2026. The petition seeks disclosure of records granted confidentiality by the CEC in response to a confidentiality request submitted by Sequoia Energy Storage 1, LLC (Sequoia) in June 2026 (TN 270287) for the proposed Seahawk Battery Energy Storage System project (Seahawk).

The records in question are the UL 9540A test results submitted by Sequoia in support of its application to construct a battery energy storage system (BESS) at the proposed facility. The UL 9540A test method and results are designed to generate data used to determine the fire and explosion protection required for BESS installation. The petition asserts the records are important to public safety.

Pursuant to California Code of Regulation, title 20, section 2506(b)(2)(A), the CEC asked Sequoia to either give permission to release the records or to supplement its application for confidential designation. The CEC received the response from Sequoia on July 24. Sequoia declined to give permission to release the records and submitted a response asserting that the records constitute trade secrets and should be kept confidential in their entirety.

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, §§ 7927.605, 7927.705, 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).)

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 authority to issue a decision on the petition is delegated to the Chief Counsel. Under title 20, California Code of Regulations, section 2506(b)(4), the Chief Counsel shall base their decision on the petition on whether the entity seeking to maintain the confidentiality of the records has met its burden of proof in demonstrating that confidentiality is warranted under the California Public Records Act, and that, considering all facts and circumstances, the records should be kept confidential.

The CEC has received the attached documents relevant to your petition:

1. Exhibit 1: Application for Confidentiality
2. Exhibit 2: CEC Response
3. Exhibit 3: Petition
4. Exhibit 4: Petition
5. Exhibit 5: Sequoia Response dated July 24, 2026
6. Exhibit 6: Sequoia Response dated August 6, 2026

After careful review, the Executive Director's decision of July 2, 2026 is reversed with respect to the records in question for the following reasons.

Chief Counsel's Determination

Sequoia has not met its burden of proof in demonstrating that confidentiality is warranted under the California Public Records Act. Sequoia neither demonstrates the UL 9540A test results are explicitly exempt from disclosure nor that the public interest served by maintaining confidentiality of the records in question clearly outweighs the public interest served by disclosure.

Sequoia's trade secret arguments are conclusory and lack specificity. The response does not identify what proprietary information, if any, is contained in the UL 9540A test results identified in the original confidentiality application. Sequoia does not explain why such information should be considered a trade secret apart from conclusions as to competitive disadvantage that will result from disclosure. Sequoia does not identify any specific proprietary information within the UL 9540A test results for redaction. Instead, Sequoia requests that portions showing the standardized international test protocol of UL 9540A and results be kept confidential along with the battery manufacturer information, which may create a competitive disadvantage if disclosed. Because Sequoia's response fails to differentiate between proprietary and non-proprietary information and describe

why or how the totality of the document is proprietary, Sequoia has not met its burden of proof that confidentiality is warranted.

Additionally, Sequoia has not shown that the benefit of maintaining confidentiality is clearly outweighed by the public interest served by increased government transparency and increased public safety by allowing officials to view the UL9540A test results. Sequoia has not met its burden to prove otherwise.

Accordingly, the CEC will grant the petition and release the records. This decision will take effect on August 24, 2026, at which time the records will be published to the docket. Be advised that prior to publication, Sequoia may invoke its right to request the Commission to reconsider this decision. (Cal. Code Regs., tit. 20, § 2506(b)(6)).

Sincerely,

Matthew Pinkerton

Matt Pinkerton
Acting Assistant Chief Counsel

cc: Sanjay Ranchod, Chief Counsel

Attachments

- Exhibit 1: Application for Confidentiality
- Exhibit 2: CEC Response
- Exhibit 3: Petition
- Exhibit 4: Petition
- Exhibit 5: Sequoia Response July 24, 2026
- Exhibit 6: Sequoia Response August 6, 2026

Exhibit 1

Applications for Confidentiality

TNs 270287, 270288, 270289, 270290,
270291. 270292

DOCKETED

Docket Number:	26-OPT-02
Project Title:	Seahawk Battery Energy Storage System
TN #:	270287
Document Title:	Application for Confidential Designation
Description:	N/A
Filer:	Erin Phillips
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	5/27/2026 9:51:37 AM
Docketed Date:	5/27/2026

May 21, 2026

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File Number: 92FL-378856

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

Exhibit 2

Executive Director's Determination of Confidentiality

TN 271254

DOCKETED	
Docket Number:	26-OPT-02
Project Title:	Seahawk Battery Energy Storage System
TN #:	271254
Document Title:	California Energy Commission Response to Sequoia Energy Storage
Description:	TNs 270287, 270288, 270289, 270290, 270791, and 270792)
Filer:	Christina Adkins
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/2/2026 2:19:53 PM
Docketed Date:	7/2/2026



July 2, 2026

Via Email

Brooke Miller, Esq.
Sheppard, Mullin, Richter & Hampton
501 W. Broadway
18th Floor
San Diego, CA 92101
bmiller@sheppard.com

**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, flowing script.

Sincerely,
Drew Bohan
Executive Director

Exhibit 3

Philip Carranco/Ban Lithium BESS in Santa
Cruz County

Petition for Inspection and Copying
Confidential UL 9540A Test Results

TN 271508

DOCKETED	
Docket Number:	26-OPT-02
Project Title:	Seahawk Battery Energy Storage System
TN #:	271508
Document Title:	Becky Steinbruner Comments - Petition for Inspection and Copying Confidential UL9540A Test Results
Description:	N/A
Filer:	System
Organization:	Becky Steinbruner
Submitter Role:	Public
Submission Date:	7/16/2026 5:00:53 PM
Docketed Date:	7/17/2026

Comment Received From: Becky Steinbruner

Submitted On: 7/16/2026

Docket Number: 26-OPT-02

Petition for Inspection and Copying Confidential UL9540A Test Results

Dear Chief Counsel,

I represent Ban Lithium BESS in Santa Cruz County and hereby file a Petition for Inspection or Copying of the Seahawk BESS applicant's UL9540A Test Results, deemed Confidential on July 2, 2026.

In compliance with Title 20 Section 2506 (a), I hereby submit the attached letter from Regulatory Expert Mr. Phillip Carranco as new information that has become available and a change in circumstances that has occurred that I do feel materially affected the decision of the California Energy Commission regarding the confidentiality status of UL9540A Test Results.

I understand that the Applicant in Docket Number 26-OPT-02 filed an "Application for Confidential Designation" (TN 270292, 270291, 270290, 270289, 270288, 270287) for Appendix 3.16A, UL9540A test reports. Subsequently, on July 2, 2026, the Executive Director of the CEC granted confidentiality for the version of Appendix 3.16A that was submitted by the Applicant on May 27, 2026, based on the Applicant's allegation that the submittal contained trade secrets. (TN 271254, p. 210/210).

Ban Lithium BESS in Santa Cruz County is concerned that the Executive Director extending the grant of confidentiality to subsequent application submittals involving the UL 9540A test reports places public safety at great risk. Sequestering such critical public safety data would significantly and adversely impact transparency and public access to information essential to assessing the impacts caused by this Project.

1. The Executive Director's July 2, 2026 Decision Prioritizes Corporate Economics Over Public Safety.

Mr. Carranco explains that the UL9540A test results are a highly technical, data-driven profile of a battery system's behavior during and induced, catastrophic thermal runaway event. If the applicant is allowed to sequester such technical core data, local first responders are deprived of the specific data required to safely mitigate any future thermal runaway or system malfunction incidents.

As Mr. Carranco points out in his attached Expert Letter, local fire officials will require the technical data in the UL9540A test result documentation to formulate Emergency Operations Plans, tactical and suppression water supply pre-planning, and evacuation planning. Furthermore, under California SB 283, local fire officials must sign off on all plans for the Seahawk BESS facility and verify the modules comply with NFPA 855 Clearance and Separation Distances that are dependent upon the chemistry of the batteries that will be used in operation. Without access to or knowledge of the UL9540A

To the Honorable Commissioners and Staff of the California Energy Commission,

As an expert in the field Regulatory Compliance Engineer, I am writing to formally address a critical bottleneck and public safety vulnerability in the permitting of Battery Energy Storage Systems (BESS) across California.

While the CEC has taken admirable strides to streamline clean energy deployment such as the "Opt-In" permitting procedures under Assembly Bill 205 and the publication of the California Energy Storage Permitting Guidebook there is a growing, highly concerning trend: developers withholding or heavily redacting full UL 9540A Test Reports when submitting project files to local Fire Marshals and county Authorities Having Jurisdiction (AHJs).

Under the guise of protecting proprietary intellectual property, developers are increasingly providing only high-level executive summaries. I urge the CEC to issue clear, statewide guidance establishing that local Fire Marshals must be provided the full, unredacted UL 9540A test report as a mandatory condition of the local permitting process. Allowing redacted submittals directly compromises local emergency response safety and severely delays the permitting pipeline.

1. Why Redactions Compromise Public Safety

- A UL 9540A report is not a simple "pass/fail" certificate; it is a highly technical, data-driven profile of a battery system's behavior during an induced, catastrophic thermal runaway event. When a developer redacts the technical core of this document, they deprive local first responders of the specific data required to safely mitigate an incident:
- Deflagration and Explosion Modeling: Local fire departments must verify compliance with NFPA 68 (Explosion Protection by Deflagration Venting) and NFPA 69 (Explosion Prevention Systems). To do this, fire protection engineers and marshals require the raw Cell-Level gas composition data (specifically the volumetric flow rates and precise percentages of highly volatile gases like H₂ and CO) to ensure exhaust and venting systems can prevent an explosive atmosphere from building up inside an enclosure.
- Tactical Water and Suppression Planning: The Unit-Level Heat Release Rate (HRR), measured in kilowatts or megawatts, determines the potential thermal load of a full-scale rack fire. Redacting this data leaves local fire crews blind to the actual scale of a potential thermal event, preventing them from accurately calculating structural boundary ratings and water supply demands.
- Clearance and Separation Distances: NFPA 855 establishes a default 3-foot separation distance between BESS units and adjacent structures. Developers routinely seek to reduce these clearances to fit more units on-site. However, a local Fire Marshal cannot safely approve a variance without reviewing the unredacted Unit-Level radiant heat flux and surface temperature data to confirm that an adjacent rack or structural wall will not ignite from radiant heat transfer.

2. How Redactions Cause Severe Permitting Delays

Ironically, developers who withhold the full report to speed up approvals or protect intellectual property end up causing the very delays they fear:

- The Review Standoff: When a Fire Marshal receives a redacted report or an abbreviated summary, they cannot complete their statutory safety reviews under Chapter 12 of the California Fire Code (CFC). Because they bear the legal liability of signing off on a facility, they will issue repeated, extensive Requests for

Information (RFIs). This back-and-forth stall can add months or even quarters to the permitting schedule.

- **Expensive Custom Modeling Mandates:** In the absence of specific, unredacted laboratory data, AHJs are forced to assume worst-case, conservative defaults. This legally obligates developers to commission expensive, third-party Computational Fluid Dynamics (CFD) gas dispersion models and structural blast analyses to prove safety, adding tens of thousands of dollars in unbudgeted engineering fees.

3. Balancing Intellectual Property and Public Review

The developer's concern regarding public disclosure and the Freedom of Information Act (FOIA) is understandable, but it is a solvable administrative problem. It should never be solved by depriving public safety officials of raw engineering data.

Municipalities and counties have robust, legal mechanisms to protect trade secrets. Fire departments regularly handle highly sensitive hazardous material business plans (HMBPs), tier II chemical inventories, and industrial facility blueprints under strict, legally protected "Confidential Business Information" (CBI) or proprietary exemptions from public records requests.

Conclusion & Action Requested

For California to meet its aggressive energy storage targets safely, local officials must be treated as trusted partners, not adversaries.

I respectfully request that the California Energy Commission update its permitting frameworks, guidebooks, and joint agency advisories to explicitly declare that local Fire Marshals and county AHJs must have access to the complete, unredacted UL 9540A Test Report under protected, confidential review protocols.

We cannot expect local fire departments to draft effective Emergency Operations Plans (EOPs) or put their firefighters' lives on the line without the full chemical and thermal profile of the systems they are tasked with protecting.

Thank you for your leadership and dedication.

Sincerely;

Phillip Carranco
CarrXEnergy@gmail.com

Exhibit 5

Brooke Miller Response to Petitions for
Inspection and Copying Confidential UL
9540A Test Results



July 24, 2026

+1.619.338.6530
Bmiller@sheppard.com

File Number: 92FL-378856

VIA EMAIL ONLY

Susan Cochran
Chief Counsel's Office
California Energy Commission
715 P Street
Sacramento, CA 95814
Email: Susan.Cochran@energy.ca.gov

Re: Seahawk BESS Project (Docket No. 26-OPT-02): Response to Becky Steinbruner
Petition for Inspection and Copying Confidential UL9540A Test Results

Dear Susan Cochran:

Pursuant to California Code of Regulations ("CCR") Title 20, Section 2506(b)(2)(A), we hereby submit on behalf of Sequoia Energy Storage (the "Applicant") this correspondence supplementing the initial application for confidential designation in response to the above-referenced Petition for Inspection and Copying Confidential UL9540A Test Results. This information is timely submitted on or before July 27, 2026, in accordance with the Commission's regulations and email correspondence from the Chief Counsel.

The Applicant does not give permission for the release of the record. As you are aware, the Executive Director previously granted confidentiality for the referenced record, also designated as Appendix 3.16A to the materials submitted in support of the Seahawk BESS Project opt-in application, on the basis that the Applicant provided the required information under 20 CCR Section 2505(a)(1)(D) to support the Applicant's assertion that Appendix 3.16A should be exempt from disclosure as a trade secret.

Pursuant to 20 CCR Section 2506(b)(5), because the request is for inspection or copying of a record deemed confidential after a Commission decision issued pursuant to Section 2508, the Chief Counsel "shall deny the petition unless the petition identifies new information that has become available or changed circumstances that have occurred that materially affect the previous determination." (Emphasis added.)

Here, the petition fails to meet this standard as it does not address in any manner whatsoever the determination that the record constitutes a trade secret. Instead, the petition asserts that public disclosure is necessary to ensure local first responders receive specific data necessary to protect public safety. The petition attaches correspondence from a purported expert stating that local fire officials require technical data in the record to formulate emergency plans and verify compliance

with NFPA standards. This attachment asserts “developers withhold[] or heavily redact[] full UL 9540A Test Reports” when submitting application materials to local Fire Marshals and Authorities Having Jurisdiction (AHJs) “under the guise of protecting proprietary intellectual property” and alleges that such “redacted submittals directly compromise[] local emergency response safety and severely delays the permitting pipeline.”

On the contrary, the Applicant has submitted a full, unredacted copy of Confidential Appendix 3.16A, UL9540A Test Report to the Commission, the permitting agency for the Opt-In Project Application. Moreover, the Applicant routinely discloses all relevant data to AHJs to demonstrate Code compliance and facilitate emergency response planning. As the attachment to the petition acknowledges, “municipalities and counties have robust, legal mechanisms to protect trade secrets” including “strict, legally protected ‘Confidential Business Information’ (CBI) or proprietary exemptions from public records requests.” The Executive Director’s determination that the record at issue is entitled to confidentiality is based on these very mechanisms. However, neither the petition nor applicable law requires disclosure of confidential trade secret-protected information submitted to a governmental agency for purposes of compliance with permitting or emergency planning requirements to any third parties such as the petitioner or the public generally. (Gov. Code §§ 7927.605(a), 7927.705; Ev. Code § 1060; Civ. Code § 3426.1(d).)

Since the petitioner has failed to meet the standard established by the Commission’s regulations at 20 CCR Section 2506(b)(2)(A) to identify new information that has become available or changed circumstances that have occurred that materially affect the previous determination granting confidentiality, the petition accordingly shall be denied.

Sincerely,



Brooke Miller
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4919-3716-3712.2

cc: Alex Mayer, Chief Counsel’s Office

Exhibit 4

Becky Steinbruner Petition for Inspection
and Copying Confidential UL 9540A Test
Results

TN 271508

DOCKETED

Docket Number:	26-OPT-02
Project Title:	Seahawk Battery Energy Storage System
TN #:	271509
Document Title:	Becky Steinbruner Comments - Additional Comment on UL9540A Test Result Confidentiality Challenge
Description:	N/A
Filer:	System
Organization:	Becky Steinbruner
Submitter Role:	Public
Submission Date:	7/16/2026 11:41:56 PM
Docketed Date:	7/17/2026

Comment Received From: Becky Steinbruner

Submitted On: 7/16/2026

Docket Number: 26-OPT-02

Additional Comment on UL9540A Test Result Confidentiality Challenge

Dear Chief Counsel Mr. Ranchod,

I would like to include additional points to my Petition to Inspect and Copy Appendix 3.16-A submitted earlier today, and to request that the Commission reconsider the issuance of confidential status for any and all Seahawk BESS UL 9540A Test Results data.

3) The California Energy Commission has already set a precedent for posting UL 9540A Test Results to the publicly-accessible docket in the instance of the Prairie Song BESS Opt-In application; decision-making on UL 9540A Test Results data should be consistent in order to grant the same level of transparency to all affected communities. Here is a link to the UL9540A Test Results that is publicly available from the Prairie Song BESS Project application Docket:

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=266065&DocumentContentId=103081> Nothing is redacted in the report, other than the address/contact information in the footer. Why would the Commission choose to sequester crucial public safety data for one project when it has made such data publicly available to another community, an issue that would cloud the integrity and equality of the Commission's decision-making.

Therefore, I hereby request that your Counsel remove the determination of confidentiality for the Seahawk BESS Project UL9540A Test Results because the Commission has already set the precedent to make such data transparent and accessible to the public and first responders.

4) The Commission's decision to withhold the crucial UL 9540A test result data is inconsistent with the California GO-BIZ Battery Energy Storage System (BESS) Model Ordinance.

<https://business.ca.gov/wp-content/uploads/BESS-Model-Ordinance-Guide-10.22.25-Draft.pdf>

That document references the importance of UL9540A (page 49):

UL 9540A

UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems) is a testing method used to evaluate how an energy storage system reacts to thermal runaway. In order to be listed in accordance with UL 9540, a BESS must be listed and tested in accordance with UL 9540A.

The UL 9540A test assesses:

1. Thermal runaway characteristics of the cell, and the composition and flammability of the gases in a cell-level test
2. The likelihood of fire spread between modules, the unit's heat and gas release

rates, and the potential for deflagration or re-ignition in a unit level test

3. The tendency of propagation, and the heat and gas release rate of the module in a module-level test

4. The effectiveness of the fire protection system, as well as the heat and gas release rate of the system in an installation-level test.

There are no SDA data sheets submitted for the Seahawk BESS project that could otherwise inform and guide the local fire agency responders in emergency planning and public safety matters.

5) The Approval of Confidential Status on Seahawk's UL 9540A Test Results will also hold for other future critical test data without the further need for the applicant to apply, such as Large-Scale Fire Testing. Such critical public safety data should not be hidden from the public, especially in an area so near the catastrophic 2025 Vistra BESS Fire at Moss Landing.

The California GO-BIZ Clean Energy Permitting Play Book describes on page 31 the importance of the Large Scale Testing under UL 9540A protocol.

Large-Scale Fire Testing Commentary:

Large-scale fire testing (LSFT) is conducted to assess how materials, systems, and entire assemblies behave under realistic fire conditions. By understanding the potential fire behavior of a battery system through LSFT, both code officials and fire departments can make more informed decisions about site approvals, safety infrastructure, and fire prevention and mitigation strategies. For example, LSFT results can help confirm the safety of the separation spacing between BESS units based on fire propagation behavior demonstrated in a LSFT.

LSFT can also help inform emergency response planning, such as how to ventilate enclosures, the protective gear that may be needed, and the fire suppression strategies that are most effective for specific battery chemistries and configurations. Additional detail on emergency response planning is included in the "Emergency Response Plan" section.

LSFT requires finalization of project design and product, which as discussed above, is not common at the time of a use permit application. However, feedback from LPAs, fire safety experts, and developers suggested it is appropriate for LPAs to require large-scale fire testing (LSFT) compliant with CFC and local fire code as a condition of approval for a use permit, with the actual LSFT to be conducted prior

to the issuance of a construction permit.

Therefore, I respectfully request Chief Counsel to approve my Petition for Inspecting and Copying the Seahawk BESS Project UL 9540A Test Results and to remove the confidential status the Executive Officer granted on July 2, 2026.

I will provide service of this amendment to counsel for the applicant in compliance with Title 20 Section 2506 (b)(2) and submit a written request for written approval of release of the record/

Respectfully submitted,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003
831-685-2915

Exhibit 6

Brooke Miller Supplemental Response to
Petitions for
Inspection and Copying Confidential UL
9540A Test Results

RE: Petition to Inspect Confidential Records - Seahawk Battery Energy Storage System (Docket 26-OPT-02)

From Brooke Miller <bmillersheppard.com>
Date Thu 8/6/2026 11:44 AM
To Cochran, Susan@Energy <Susan.Cochranenergy.ca.gov>
Cc Lai, Stephanie@Energy <Stephanie.Laienergy.ca.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for taking the time yesterday to discuss this petition with me.

I first wanted to reiterate that under the standard established by the CEC regulations Section 2506(b)(5), the petition “shall” be denied unless it “identifies new information that has become available or changed circumstances that have occurred that materially affect the previous determination.” Here, since the previous determination concluded that the record constitutes a trade secret and the petition fails to address any new information or changed circumstances that materially affect this determination, the petition should therefore be denied as a matter of law. Moreover, unlike other projects which may have different contractual obligations to equipment manufacturers, the applicant here is contractually bound to maintain the confidentiality of the affected records, in their entirety, from public disclosure.

Further, although the petition asserts that public disclosure is necessary to ensure local first responders receive specific data necessary to protect public safety, the applicant has rights to and routinely does disclose all necessary information including unredacted UL-9540A results to the CEC and fire/emergency response AHJ(s) for the specific purpose of fire safety and emergency response planning. Therefore there is no basis to require the public disclosure of this information in order to ensure public safety.

We appreciate your consideration of this additional information. Please reach out to me should you have any questions or need further information.

Brooke Miller
Partner



501 West Broadway, 18th Floor
San Diego, CA 92101
Direct +1.619.338.6530 | Office +1.619.338.6500
bmillersheppard.com | [Bio](#) | [LinkedIn](#) | sheppard.com

From: Cochran, Susan@Energy <Susan.Cochranenergy.ca.gov>
Sent: Monday, August 3, 2026 1:43 PM
To: Brooke Miller <bmillersheppard.com>
Cc: Lai, Stephanie@Energy <Stephanie.Laienergy.ca.gov>
Subject: RE: Petition to Inspect Confidential Records - Seahawk Battery Energy Storage System (Docket 26-OPT-02)

Good afternoon, Brooke:

Stephanie Lai, another attorney at the CEC, and I would like to discuss this confidentiality review with you. We are available as follows:

Tuesday 12:30 to 3:00

Wednesday 12:00 to 3:00

Please let me know if you have any availability during those time.

Thank you,
Susan Burns Cochran
Senior Attorney

From: Brooke Miller <bmiller@sheppard.com>

Sent: Friday, July 24, 2026 9:31 AM

To: Cochran, Susan@Energy <Susan.Cochran@energy.ca.gov>

Cc: Mayer, Alex@Energy <Alex.Mayer@Energy.ca.gov>

Subject: RE: Petition to Inspect Confidential Records - Seahawk Battery Energy Storage System (Docket 26-OPT-02)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Susan, please see attached response. Please advise if we should also submit via the docket.

Thank you,

Brooke Miller
Partner



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From: Mayer, Alex@Energy <Alex.Mayer@Energy.ca.gov>

Sent: Wednesday, July 22, 2026 4:00 PM

To: Brooke Miller <bmiller@sheppard.com>

Cc: Cochran, Susan@Energy <Susan.Cochran@energy.ca.gov>

Subject: RE: Petition to Inspect Confidential Records - Seahawk Battery Energy Storage System (Docket 26-OPT-02)

Brooke:

I want to inform you that CEC attorney Susan Cochran is now assigned to this Petition. Any response to my July 20, 2026 email should be directed to Susan, with an optional cc: to me. Susan's email address is Susan.Cochran@energy.ca.gov.

In addition to notifying you of this change, Susan and I would like to know whether you received my email notification from July 20, 2026. At your earliest convenience, please let us know.

Thank you,

Alex Mayer

Attorney IV
Chief Counsel's Office
California Energy Commission
(916) 637-8123

California Energy Commission
Website: www.energy.ca.gov

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From: Mayer, Alex@Energy
Sent: Monday, July 20, 2026 5:11 PM
To: 'bmiller@sheppard.com' <bmiller@sheppard.com>
Subject: RE: Petition to Inspect Confidential Records - Seahawk Battery Energy Storage System (Docket 26-OPT-02)

Dear Brooke Miller:

Please see this second attachment, which is also a part of the Petition to Inspect Confidential Records mentioned below.

Thank you,

Alex Mayer

Attorney IV
Chief Counsel's Office
California Energy Commission
(916) 637-8123

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From: Mayer, Alex@Energy
Sent: Monday, July 20, 2026 5:00 PM
To: 'bmiller@sheppard.com' <bmiller@sheppard.com>
Subject: Petition to Inspect Confidential Records - Seahawk Battery Energy Storage System (Docket 26-OPT-02)

Dear Brooke Miller:

The California Energy Commission (CEC) is providing courtesy notice of the attached Petition to Inspect Confidential Records, docketed July 17, relating to Appendix 3.16A: UL 9540A test results from your May 27 application for confidential designation (TNs 270287, 270288, 270289, 270290, 270291, 270292) and CEC's July 2 response (TN 271254). CEC's regulations in 20 CCR 2506(b)(2)(A) require that CEC request written approval from you to release Appendix 3.16A, which is the subject of the Petition to Inspect Confidential Records. If you do not wish to give written approval for the CEC to release the records, you may supplement the initial application for confidential designation or provide any additional information within five working days of this email.

Please let us know as soon as possible and in writing whether CEC has permission to release Appendix 3.16A or if you intend to supplement the application for confidential designation. If you supplement the application, you must do so by July 27, 2026.

Thank you,

Alex Mayer

Attorney IV

Chief Counsel's Office

California Energy Commission

(916) 637-8123

California Energy Commission

Website: www.energy.ca.gov

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