

| <b>DOCKETED</b>         |                                                                                         |
|-------------------------|-----------------------------------------------------------------------------------------|
| <b>Docket Number:</b>   | 24-OPT-05                                                                               |
| <b>Project Title:</b>   | Corby Battery Energy Storage System Project                                             |
| <b>TN #:</b>            | 272805                                                                                  |
| <b>Document Title:</b>  | Application for Confidential Designation for CNDDDB                                     |
| <b>Description:</b>     | Application for Confidential Designation for California Natural Diversity Database map. |
| <b>Filer:</b>           | Christine Leone                                                                         |
| <b>Organization:</b>    | NextEra Energy                                                                          |
| <b>Submitter Role:</b>  | Applicant Representative                                                                |
| <b>Submission Date:</b> | 9/15/2026 2:22:00 PM                                                                    |
| <b>Docketed Date:</b>   | 9/15/2026                                                                               |

September 15, 2026

California Energy Commission  
Docket Unit (Confidential e-filing)  
715 P Street  
Sacramento, CA 95814

**Re: Application for Confidential Designation  
Corby Battery Energy Storage System Project  
Docket Number 24-OPT-05**

To Whom It May Concern:

Corby Energy Storage, LLC (“Corby” or “Applicant”), as applicant for the Corby Battery Energy Storage System Project (“Project”), requests that the attached and below-described California Natural Diversity Database (“CNDDDB”) data and critical habitat map for the Lambie Industrial Park Alternative site and associated gen-tie study corridor submitted by the Applicant as part of its September 14, 2026 Staff Assessment Applicant Comments be designated as confidential pursuant to the California Energy Commission’s (“CEC”) regulations, California Code of Regulations, title 20, section 2505.

### **1. Record for Which Confidential Designation Is Requested**

Corby requests confidential designation for Exhibit 1 – Figure 7-2: CNDDDB and Critical Habitat (Confidential), dated September 14, 2026 (1 page). This document is a CNDDDB data and critical habitat map showing locations of sensitive species occurrences and critical habitat in and around the Lambie Industrial Park Alternative site and associated gen-tie study corridor in Solano County, California.

### **2. Legal Authority, Standard for Confidential Designation and Basis for Confidentiality**

This request is made pursuant to the CEC’s confidentiality regulations, which provide that the CEC may designate as confidential information that another state agency has designated as confidential (20 Cal. Code Regs., § 2505(b)), and the California Public Records Act, which allows public records to be withheld from disclosure where the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure (Gov. Code, § 7922.000).

The attached record should be designated as confidential to protect information regarding the location of sensitive species and habitat and because the California Department of Fish and Wildlife (“CDFW”) has limited its disclosure pursuant to the CNDDDB License Agreement and the CNDDDB Data Use Guidelines.<sup>1</sup> The CNDDDB and its associated databases are proprietary databases owned by CDFW. Their use is limited by the CNDDDB License Agreement and the

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<sup>1</sup> CDFW, License Agreement for the California Natural Diversity Database (June 2018), <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75516&inline>; CDFW, CNDDDB Data Use Guidelines, version 4.2 (2011), <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=27285&inline>.

CNDDDB Data Use Guidelines, which provide that CNDDDB data may not be released to the public or non-subscribers without permission from CDFW unless it is displayed in a way or at a scale (1:350,000 or greater) such that viewers cannot determine the precise location of the resources mapped. As the CNDDDB Data Use Guidelines explain: “The concern is that, while it is important that the CNDDDB information is available to those whose job it is to conserve species, there is the very real possibility that some people will use the detailed location information to do harm to a species or its habitat. Because of the sensitivity of the data, we try to limit the level of location detail that is made readily available to the public thus supporting the protection of these species and habitat. The information is not publicly available in this level of detail.” The public interest is therefore served by nondisclosure.

While Corby does not believe that the information can be aggregated or masked to conceal confidential information, the September 14, 2026 Staff Assessment Applicant Comments discuss the contents of Exhibit 1 in a manner that does not disclose the precise locations of species and habitat and at a level of generality that protects sensitive location data while still informing the public record.

### **3. Duration of Confidential Designation**

The Applicant believes that the information should be kept confidential indefinitely to protect sensitive species and habitat because the sensitivity of CNDDDB data is unlikely to diminish with time.

### **4. Handling and Access; Restrictions Requested**

This information is kept confidential by the Applicant as required by CDFW and is not disclosed except on an as-needed basis to employees, attorneys and consultants working on behalf of the Applicant.

Corby requests that the CEC treat Exhibit 1 as a confidential record; (b) restrict access to CEC staff and contractors with a need to know; (c) refrain from posting these records on the public docket; and (d) notify Corby prior to any release.

### **Declaration**

I declare under penalty of perjury under the laws of the State of California that I am authorized to submit this request on behalf of Corby Energy Storage, LLC and that the information provided in this request is true and correct to the best of my knowledge.

Respectfully submitted,

*Christine Leone*

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**Christine Leone**

Corby Energy Storage, LLC

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