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Filer:	Jeff Miller
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AES Alamitos Energy Center
690 North Studebaker Road
Long Beach, CA 90803

tel 562 493 7891
fax 562 493 7320

September 23, 2019

Mr. Joseph Douglas
Compliance Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95814

Subject: Alamitos Energy Center (13-AFC-01C)
Condition of Certification TSE-3: Large Generator Interconnection Agreement

Dear Mr. Douglas

In accordance with Condition of Certification TSE-3, AES is submitting the attached executed Large Generator Interconnection Agreement (LGIA). This agreement is between Southern California Edison, California Independent System Operator Corporation, AES Alamitos Energy, LLC, AES Alamitos, LLC, and AES ES Alamitos, LLC. Due to the nature of this agreement and project-specific interconnection terms, AES is submitting this document through the CEC's Confidential Document submittal process. The remainder of this letter includes our Application for Confidential Designation.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Miller", is written over a light gray horizontal line.

Jeff Miller
Compliance Manager
AES Alamitos Energy Center

Cc: Stephen O'Kane/AES
Ruben Soroeta/AES

APPLICATION FOR CONFIDENTIAL DESIGNATION
Alamitos Energy Center 13-AFC-01C (the "Applicant")

1. *Specifically indicate those parts of the record which should be kept confidential.*

The Applicant is requesting confidential designation of the entire Large Generator Interconnection Agreement (LGIA) provided for the Alamitos Energy Center as it is an interparty agreement that includes certain parties that are not subject to the Commission's jurisdiction.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Information should be held confidential for the life of the Alamitos Energy Center in order to protect the information contained therein as it is a private party agreement.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The LGIA should be kept confidential for the following reasons:

First, the Public Records Act broadly exempts corporate proprietary information, including trade secrets from public disclosure. (Gov't Code §§ 6254.7(d), 6254.15.) Trade secrets include "any formula, plan, ... 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 ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Gov't Code §§ 6254.7(d), 6254.15.) The California Civil Code Section 3426.1(d) defines a "trade secret" as follows:

- (d) "Trade secret" means information, 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.

The LGIA contains specific information related to the specific technologies employed at the Alamitos Energy Center, including operations data and protocols, design information, and other commercially valuable information related to the facility. Such information constitutes a trade secret as the project owner uses such information for the purposes of electrical generation and derives a business advantage over competitors by virtue of its use. The LGIA has independent economic value from not being generally known to the public or to the Applicant's competitors who can obtain economic value from its disclosure or use. Therefore, the LGIA should be kept confidential.

Second, the Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage" (20

C.C.R. § 2505(a)(1)(D).) Disclosure of the LGIA's contents could otherwise cause a loss of a competitive advantage to the project owner. The LGIA outlines issues associated with the generating asset that are not publicly known, and the disclosure of which would result in a loss of business advantage. Such information relating to the Alamos Energy Center is not made public, and those materials constitute trade secrets. The wholesale generating market in California is extremely competitive, and facility owners limit and control the scope of information made public regarding the configuration, design and status of facilities, their operating and maintenance practices, as well as seeking to avoid public disclosure of personal identifying information regarding employees and contractors, many of whom have specialized training and knowledge of market sensitive information. . Further, release of this information may directly harm the project owner's existing and future commercial opportunities, employee retention and arrangements which are instrumental in maintaining the ongoing operations at the facility. Therefore, the LGIA should be kept confidential.

Third, the LGIA contains Critical infrastructure information ("CII") and Critical Energy Infrastructure Information ("CEII"), protected under federal law, especially given the Alamos Energy Center's critical role in Southern California grid reliability and its interconnection to the Bulk Energy System ("BES"). California Government Code Section 6254 (ab), in pertinent part, excludes from disclosure, "Critical infrastructure information ["CII"], as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the Office of Emergency Services for use by that office, including the identity of the person who or entity that voluntarily submitted the information.* * *" Both the Department of Homeland Security ("DHS") and the Federal Energy Regulatory Commission ("FERC") have processes for this exemption. Similarly, FERC protects CEI through an application for protection from FOIA disclosure. NERC CIP-011-2 requires any BES Cyber System Information (BCSI) be protected and handled securely and confidentially to ensure the security of the BES. FERC requires that designated CEII, which could be anything that would negatively affect the national security economic security, public health or safety, be protected and further requires that such information be handled securely and confidentially to ensure the security and reliability of the BES. Therefore, the LGIA should be kept confidential.

Finally, the Public Records Act provides that an agency should justify withholding a record when "...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't Code § 6255.) Because the information at issue here includes, among other things, specific facility equipment data, and other trade secret information contained therein, the public interest served by non-disclosure clearly outweighs the public interest served by disclosure. Disclosing the LGIA would provide the public with information about the powerplant for no legitimate purposes. The public interest in not disclosing such information to the general public unquestionably outweighs the nonexistent private interest in disclosure. Therefore, the LGIA should be kept confidential.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information. Given the specific details of the LGIA, no feasible method of aggregating or masking the information could be identified at this time that would not either disclose the information or render the information provided useless.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Applicant has not disclosed any of the subject information to anyone other than CEC staff, the Delegated Chief Building Official, those parties included in the Agreement, and the Applicant's employees, attorneys and consultants working on behalf of the Alamos Energy Center.

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 and belief. I am authorized to make this Application and Certification on behalf of the Applicant.

Dated: September 23, 2019

By:



Jeff Miller
AEC Compliance Manager
AES Alamos Energy, LLC